

DE JURE
UNIFORMITATIS ECCLESIASTICÆ:

OR

L. g. 20.

Three Books, *L. 8.*

20

OF THE
RIGHTS

Belonging to an
UNIFORMITY in CHURCHES.

IN WHICH

The chief things, of the Lawes of Nature, and Nations, and of the Divine Law, concerning the Consistency of the Ecclesiastical Estate with the Civil, are unfolded.



By **HUGH DAVIS, LL. B.** Late Fellow of
New-Colledge in Oxford, and now Chaplain to the
Lord Duke of BUCKINGHAM.

L O N D O N,
Printed by *S. Simmons*, and to be sold by *T. Helder* at the Angel
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in the Strand, 1669.



822:95

To the
HIGH and MIGHTY PRINCE
CHARLES ^{the} **II.**

By the Grace of God, *KING* of Great
Brittain, France, and Ireland,
Defender of the Faith, &c.

EXCELLENT SOVERAIGN,



While your *Great Affairs* are prosperously managing, both abroad, and at home; behold here, I present this Book, as one meanes, in its kind, toward the settlement of the *Peace* of your *Kingdomes*. The *Rights* of an *Ecclesiastical Uniformity* have been many times debated in the World with Fire and Sword: And Your *Kingdomes* have been of late, through the debates concerning them, the dire Field of Blood. Which *Rights*, because it is of so great moment (both to all Divine and Humane Affairs) that they should be duely stated, and because they have never yet been stated by any; I have therefore here adventur'd the stating of them; and that according to the evident dictates of the *Laws* of Nature, and *Nations*, and of the *Divine Laws* concerning them; and as they make to the preserving, and promoting

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The Epistle

ing the Publick, and standing welfare, both of Religion, and Government, and the Consistency of Religion with Government; the Principal and Fundamental matters of all Humane Societies. And I have made a search into the frame and fabrick of all Humane Affaires, and have unravel'd the transactions of the former and present Ages, of the Churches both of the *Jewes* and *Gentiles*, *Christians* and *Mahometans*, for the doing of it. And I here Dedicate it, particularly, to the Peace of Your Majesties Kingdomes; at least so far forth, as a Book may be a means for the procuring the Publick Peace; and where it may meet with men, either of Reason or Conscience, and not of furious Ignorance, or temporal Interests. Behold Great Prince! I Present it at your feet, most Humbly craving leave, that I may light this *Candle* at the *Sun*, and draw a Lustre upon this Discourse from Your Majesties Sovereign Patronage. *Herodotus* relates it of *Midas*; That, of all things, he chose to offer at *Delphos* his Regal Chair, in which he was wont to sit, and give Laws to his Kingdom. It is, because this Book concerns these great matters of Law and Publick Right, that I presume to offer it, thus in Duty, to Your Majesty. What the Church Historian tells the Excellent Emperour *Theodosius*, That it was said of him, that he spent the day and night in Councils and Causes, in looking after his Religious and Civil and Military

In Clio,
paulo post
princip.

Sozomen. In
Præfat. ad
Imperato-
rem Theodo-
sium.

Dedicatory.

tary Affairs: The like is said of Your *Majesty*, that You are at all times ready at Your *Councils* and *Deliberations*; That You go abroad to Visit Your Garrisons and Navies; and that You spend your time in looking after the settling the *Church* and *State*, the *Charge* committed to you by God. May *Religion*, and your *Majesties Government* long flourish together in your Dominions; that the Divine Blessing may accompany you, and there may never be wanting one to Sit upon the Throne of your Fathers, so long as the Sun and Moon shall endure.

TOUR

SACRED MAJESTIES

Most Humble, and most

Obedient Subject,

Hugh Davis.

My dear Sir,
I have the honor to acknowledge
the receipt of your letter of the 11th
inst. and in reply to inform you
that the same has been forwarded
to the proper authorities for their
consideration. I am, Sir, very
truly, your obedient servant,
J. H. Davis

Yours faithfully,
J. H. Davis

Enclosed find a copy of the
report of the Committee on the
subject of the proposed
amendment to the
constitution of the
State.

I am, Sir, very
truly, your obedient servant,
J. H. Davis

Yours faithfully,
J. H. Davis

T O T H E
High Court
O F
P A R L I A M E N T;
A N D

To the rest of the *Subjects* of the *KING* of
GREAT BRITAINS Dominions.

THE *Subject-matters* of this Book (Most Noble and Generous Patriots!) contain the summe and substance of Humane Affairs; and which concerne the Peace and Tranquillity of the Dominions of Princes. And they are those also which are now upon the Wheele, and more particularly and principally in agitation amongst us, like Balls of Fire thrown to and fro in the mid'st of us. You have more then once Determin'd concerning them: And Your determinations claime this Direction and Submission of them to you. And the more peculiar respects which they bear to the occasions of his Majesties Subjects, the like Direction of them also to them. I have endeavour'd the impartial stating of them according to the dictates of the three sorts of Laws currant amongst men: And, where our Affairs Domestick have more particularly occur'd, have avoided, what
c I could

*I could, the intermixing with the Heats and Passions
of the Times. I do not presume, in the least, in these
things (Honourable, and Renowned SENA-
TOURS!) to interpose in your Great and Publick
Councils, those Sovereigne Balmes of ENGLAND.
Nor to undertake to instruct many of the able and suf-
ficient minds of others, those more Ethereal and Ce-
lestial Beings amongst men. But only, if it may be
for Information, if for Satisfaction, where there is
Occasion for the giving of it; I have adventur'd the
Representing of those great matters which do so highly
concerne the Establishment and Preservation of the
Peace of Your Country, and of all Humane So-
cieties.*

THE

THE PROLEGOMENA

TO THE

Three Books

ENSUING.



Diverse have written of the diverse sorts of Laws amongst men; Of the Laws of Nature, and Nations, and of the Divine Laws: And that both more generally and particularly. Diverse also have applyed those Laws diversly: And that both in respect to the Civil and Ecclesiastical part of Humane Affairs: But none yet hath applyed them to the *Rights* of an Ecclesiastical Uniformity, (*viz.*) those of the *Prince*, the *Priest*, and the *People* belonging to it; Nor digested those *Rights* into any due connexion and order (*viz.*) as they make to the preserving, and promoting the publick welfare both of *Religion*, and *Government*, and the *Consistency* of *Religion* with *Government*. And yet scarce any thing, next to the Divine Law it self, is of greater moment to Humane Societies. *Right* is the Publick Cement of all Humane Affairs; and that which all men contend about, and expect, even from God himself; And Religion and Government, and their mutual consistency, are the things primarily fundamental to the very being, and welfare of all Humane Societies, besides what respects they have to another world. Wherefore *Plato* calls, all preparations both of War and Peace which are made in a City, Toys, if Justice and Temperance be not preserved in it. And *Amphitryo* in *Euripides*, cries out to *Jupiter*;

*In Gorgia,
prope fin.*

*In Herculo
su-
rent. 'ταυροι
could post prin-
cip.*

*Ζεὺς ὁ τοῦ οὐρανοῦ ἑταῖρος ὁμοῦ
'Αγαθὸς τίς τίς ὁδὸς, ἡ δὲ δὴ ἐν ἑσπερίῳ.*

But dost thou not know how to save thy Friends?

Either thou art an unskilful God, or else thou art not just.

And *Cicero*, in his Books of Laws, *Nihil tam aptum est ad jus, conditionemque naturæ; quam Imperium, sine quo nec Domus ulla, nec Civitas, nec Gens, nec hominum Univerſorum Genus stare, nec Rerum Natura omnis, nec ipse Mundus potest: There is nothing is so suitable to the Right and condition of Nature as Government; without which neither any private Family, nor City, nor Nation, nor all Man-*

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R. Simeon, in
Pirke Avoth.
Cap. 4. ☉
Talmud L. Ju.
casin, Fol. 13.
Plaut. Pers. 5.

kind, nor yet the whole nature of things, nor the very world it self
can subsist. And the Jewes Celebrate a three-fold Crown, which
made Israel to flourish: The Crown of the Law, and of the King,
and of the Priest. And the acute Comedian;

*Quid id, quod vidisti, ut munitum muro tibi visu 'st oppi-
dum? &c.*

*What is that thou sawest, which seemed to be like a Town, fortified
with a wall?*

*P. If the Inhabitants be well manner'd, I think it to be very well
fortified:*

*If Perfidiousness, and Theft, and Covetousness, be banished out of
the City.*

*If the fourth thing Envie, the fifth Ambition, the sixth Slander,
The seventh Perjury. T. Ha well said. P. The eight Idleness;
The Ninth Oppression; and the Tenth the worst of wickedness.*

*Unless these things be absent from it, an hundred-fold wall will be
but a small matter for the preservation of it's Affairs.*

In the Kingdome of Israel, God himself distributed those Rights
of an Uniformity amongst the several Estates. And that at diverse
times, and in diverse manners, according to the several occasions of
that Society: But yet there are no foot-steps to be found of any
Humane Collection that ever was made of them. The first Govern-
ments of Greece were fetch'd from other Countries; but most of
all from Egypt, which was then of most Fame and Note, for learn-
ing and wisdom, and the better ordering of mankind: and whe-
ther all, who would be men of Renown, were wont first to Travel;
and from whence the Egyptians boast, that Moses the Hebrew, and
Orpheus, and Homer, and Lycurgus, and Solon, and the other men
of Fame, of those times, derived their Knowledge. And the like
is to be said of the Roman State; that the most ancient settled
Laws of the Ten Tables (afterwards made Twelve) in the time of
the first Consuls were fetch'd from Greece. *Placuit Publica Authori-
tate, sayes Pomponius, decem constitui viros, per quos peterentur Le-
ges a Grecis Civitatibus: That it was thought fit, that Ten men should
be appointed by Publick Authority, by whom Laws should be fetch'd
from the Cities of Greece.* And in the remainders of the many ex-
cellent, both Greek and Romane Writers, (of several sorts) there
are diverse of the Rights of an Ecclesiastical Uniformity, and of the
matters relating to them, dispersedly mentioned; especially those
belonging to the Prince and Priest. But yet none of them as redu-
ced to their certain Title, or head of things; nor under the notion
of such Rights, so belonging to such Persons, and as concerned in
such an Uniformity. Last of all, in the Christian Church, all Ca-

nons

D. De Origine
Jur. L. 2. ☉
Esosiv.

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nons of Councils, Bodies of Lawes, Ecclesiastical Histories, Systemes of Civil Policy, and the like, are full of the recitals and assertions of them, and the things belonging to them also; but yet still not under their specifical Notion: and there are many defences which have been made of the Doctrine of the several subdivided Professions; and many Rationales, which have been written upon Liturgies, both in the Roman and other Churches: And several *Irenicums*, which have been occasionally published; especially in the *European Churches*, late called Reformed. But all these things, or any other the like, either in the Christian (or *Mahometan*) communion, have not reached the common occasions of Churches, nor given the last and general grounds for pacification. And the interiors, belonging to the explication of the Rights of an Ecclesiastical Uniformity, especially of those on the peoples part, have never yet been touch'd upon by any. And these then are those Rights which are here unfolded, and stated, according to the dictates of the several sorts of Laws mentioned and digested into their due Connexion and Order.

This then being the more general matter of this work; the manner of handling it, is accordingly. When we inscribe it, *of the Consistency of the Ecclesiastical estate with the Civil*, or of Religion with the Government (which is all one) it is, because that is the thing which we do most principally, and designedly treat of. The welfare both of Religion and Government, as separately and singly taken, being suppos'd to it, and as alwayes co-incident with it: And the consistency of Government with Religion being touch'd upon but by the by. And when we entitle it, *Of the Rights belonging to an Uniformity in Churches*; it is because such an Uniformity (in some kind of it or other) is the necessary and only means for the effecting and preserving of that Consistency of Religion with Government; and the Rights belonging to such an Uniformity are the bounds, within which all ought to acquiesce, for that effecting and preserving of it: which, when they are Transgressed and Invaded, either by the Prince on his part, then either the Priest or People are injured: or else by the Priest or People on their parts, then there is undutifulness and Rebellion practis'd towards the Prince, and mutual Religious Feuds are created and contested amongst the People;

— *Et, ruptis inter se Legibus, Urbes*
Arma ferunt —

So that it is very much for the Common peace and welfare of all affairs amongst men, that those Rights be duely stated, and unfolded, both on the Prince's part, and in order to his affording the Priest and People their due; and also on the Priest and People's

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parts, and in order to their enjoyment of, and acquiescence under the Liberties (both external, and internal) belonging to them. And the work it self then is accordingly divided into three Books : to each of them being assigned it's proper subject matter. In the first Book ; after the explications and distinctions of things laid down, which are common to the whole, I have treated of the Divine Original, both of Religion and Government : which things being so primarily Fundamental to the whole body of this Discourse, I did suppose that men would expect a rational account of them. And I have treated of them more immediatly and principally, in order to the stating the Consistency of Religion with Government, in the general, and whose charge and Right the Tuition of all three of them, (*viz.*) of Religion, and Government, and the consistency of Religion with Government, is. And within the compass of these things, there are many things co-incident with them which are common to the whole. And as to Religion, in my discoursing over the distinction of true and false, particularly, I have laid down the general grounds of all Religions. And as to Government, I have done one thing remarkable, and that is, I have absolutely denied the *Jus ad arma*, the right of rising in Armes (and particularly in defence of matters of Religion, and in opposition to the Laws of an Ecclesiastical Uniformity in any State) which is claimed by some, both of the Priesthood, and people; Contrary to what *Grotius* and others of note have done, in the stating of that Question: But I have given the Reasons for the denial of it. And no less then the whole conforming Clergie and others in publick employment of the State at this day in *England* have subscribed to the very same matter: And in the end of the stating of it I have more explicitly disputed the tendency of the derivation of Government from the people, and of the Doctrine of Rising, depending upon it, to the good of Religion, and Humane Society. Which thing, truly, ought to have been done by *Grotius* and others, who have stated that question; although in a separate Notion from an Ecclesiastical Uniformity. In the Second and Third Books, I have treated of an Ecclesiastical Uniformity; the necessary means mention'd, for the accomplishing the Consistency of Religion with Government. In the Second Book I have treated of it, and the Rights belonging to it, more Generally. And in the Third Book of both of them more particularly. And in both these Books, I have taken in the several Cases, Questions and Quere's belonging to the treating of both those sorts of things: and in the stating both of those Cases, and of other matters, I have many times considered Humane Nature, (sometimes Tacitly, and sometimes expressly) and how it is to be dealt with: And he that will not consider it in such things, is never likely to govern the World. *Omnes, naturâ duce, vehimur, sayes Cicero; That we are all carried on powerfully*

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powerfully by Nature. And Bodin concerning the suiting the Government to the nature of the Country; *Hæc porro Naturæ consentana ratio spectanda in primis est ei, qui Rempublicam fundare, aut Civitatem optime instituire volet.* That this agreeable respect of Nature is principally to be heeded by him, who will found a Common-weal, or set a City in order after the best manner. And

De Repub. lib. 5. cap. 1. in princip.

*Nimum ipse durus est, præter æquumq; & bonum,
Et errat longè, mea quidem sententia,
Qui imperium credat gravius esse, aut stabilius,
Vi quod sit, quam illud quod amicitia adjungitur.
Mea est sic Ratio, & sic animum induco meum.*

Mitio Senex, apud Terent. in Adelph. Act. 1. Scen. 1.

*He is too rigid, and besides all Right and Reason,
And he err's much truly in my opinion,
Who believes that Government to be more firm and stable,
Which is framed by force, then that which is cemented by love.
So is my sence of it, and so I am apt to believe.*

And the elegant Fabulist at the meeting of the two strangers at the Lake,

Πᾶς ὃ φίλον ποίηται, ὃ δὲ οὐκ ὅσον ὁμοίον.

But how wilt thou make me thy friend, who am nothing alike to thee in nature?

Homer' in Ἰλιάδ. τραχυνός χιτῶν.

And *Thucydides* in the case of Publick Commotions and stirrs in a Common-weal; *When a Common-weal is disturb'd, the nature of men, leaping over the Lawes, doth willingly shew it self to do unjust things against them: Being transported by the greatness of Anger, more prevalent then Right, and an enemy to the more excellent things.* So that he that will well govern men, must do it by first Governing humane nature. In my stating the more particular Consistency then of Religion with Government, I have taken the best care I could, That Religion should have it's due. Neither do I believe, That the particulars concerning either of them, as they stand mutually in this their relative Condition, can well be stated otherwise then here they are. And one great Reason of mens mistakes and doubts, and dissatisfactions of Judgement and Conscience, concerning the Ecclesiastical Lawes of Princes, and their submission to them in all Societies, is, their not considering of the relation in which Religion ought alwayes in the World to stand to the being and exercise of Government, both in Church and State. In my Defence of the Rights of Princes, there are two sorts of Adversaries chiefly which I have met with to be oppos'd; and those are the Churchmen of *Rome*, and those of the late *Scotch* and *English* Presbitery,

Lib. 3.

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who have trodden in the same steps with them in this matter, though under different Notions: and I have not spoken any thing concerning either of these, either invidiously, or at mine own pleasure; but onely from the Testimonials of their own Writings, and Practises. And the like I have done, where I have met with any, who have opposed the Rights either of the Priest or People. In my going through the whole, There are three things, which have caused me to descend the deeper into the Mines of Labour: And those are, 1. The invention of matter; it being in several places, wholly new: and almost every where, not applied, by any other, to my present purpose. 2. The digesting of that matter into it's due Method; It being very various, and the places of connecting and disposing it into its Right Order recurring also frequently, and in a very various manner. 3. And lastly, the numerous Books which I have been forc'd to consult with, for the furnishing out of the whole body of this Discourse into the World, but in some tolerable manner; and according to the deserts of the weight of the matter. And those Books, which I have accordingly made use of, have been of those professions, which concerne the most substantial matters of the Publick Affairs amongst men. The first of those Faculties, or Professions, is Divinity. And in it, first of all, I have attended to the Books of God; the Divine Law of the Old and New Testament. And in the Old; for the Interpretation of the Lawes and Ordinances of *Moses*, and what was the external practice of them in *Israel*; the writings of the *Hebrew* Rabbines are ordinarily produc'd, and especially those of *Moses Maimonides*; Of whom the *Jewes* have a saying, *A Mose ad Mosen non fuit similis Mose*; That from *Moses* their Master, to *Moses* the Sonne of *Maimony*, there hath not been the like to *Moses* the Sonne of *Maimony*. And the Rabbinical Age began about the time of the destruction of *Jerusalem*, and the dissolution of the Jewish Polity by *Titus*: In whose Triumph afterwards at *Rome*, *Josephus* mentions only the Book of the *Jews* Law (amongst whatsoever other Writings they had) to have been preserved and carried along with him in it. Out of the Books of the Old Testament, and the Writings of the Rabbies, there are also many late Christian Writers, who have made Systematical Collections of the Frame of the Jewish Polity; such as *Schickardus*, the *Hebrew* Professor at *Tubingen*; *Bertram*, and others. The most staple, and authentick Writers in the Christian Church, and next to the new Testament it self, are of divers sorts. Amongst the Canons of Counsels, the Canons commonly called the Apostles deserve first of all to be mentioned; *Nam in Canonibus antiquissimis, qui Apostolici dicuntur &c.* For in those most Ancient Canons, which are called the Apostles, faith *Crotius*. The after Counsels, besides the large Tomes of them, are Epitomiz'd by *Carranza* in his *Summa Conciliorum*; *Iustelus*

De Bello Jud.
Lib. 7 cap. 24.

De Jure Belli.
lib. 1. cap. 3. §.
3. Et ad idem
alibi.

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lus, and others. And whether the Councils, whose Canons I have cited, have been of one sort or another, either more Primitive, or Papal, or otherwise, I have not regarded, so long as they have complied with Right and Reason, in the matters to which they have been applicable. The *Greek* and *Latine* Fathers, and Doctors of the Christian Church, I have made use of also, sometimes professedly, but more times only occasionally. The writings of the School-men are generally Doctrinal, and so little to my present purpose, except it be in the point of Prelacy, in their definitions, and the like. The Ecclesiastical Histories are; in the Jewish Church, *Josephus*; in the Christian, both the more ancient and modern; both those that write more generally, and more particularly of the Affairs of Churches. Last of all, the confessions, either of the Churches, late called Reformed, or others, shew what is their consent or dissent in things: And I have sometimes also made use of them. The Profession, next to Divinity, which most of all concerns the Affairs of Humane Societies, is, that of the Laws. And the five Books of *Moses*, as they are the most ancient Systeme of Laws, now extant in the World; so also they are Divine: and therefore, wheresoever I have asserted any thing to be, either necessary or lawful for Humane Societies, I have been carefull to see, first, whether it were either established, or else at least permitted by that Law in *Israel*: The due respects being had still to the diversities of the peculiar occasions of Societies. The ancient Lawes of the more humane and learned Heathen Nations heretofore, and what remains of them, is dispersed diversly up and down in their severall remaining writers. The *Greek* and *Roman* States are those, which we have the most, and most received Monuments of. The *Grecians* thought so highly of themselves, that they called all the rest of the world *Barbarians*, sayes *Herodotus*, who spake not their Language. In *Greece*, the two Famous Common-Weals were that of *Sparta* or *Lacedemon*, and that of *Athens*. The Famous Law-giver of *Sparta*, sayes *Plutarch*, and others, was *Lycurgus*; and of *Athens*, were *Draco* and *Solon*: And their Lawes were engraven in Tables of Wood, called *Λέγους*: But those Tables of Lawes are now extinct; as also the twelve Tables amongst the *Romans*, for the most part deriv'd from them, as hath been mentioned. Onely there are some reputed fragments of them remaining (like the dust of *Carthage*) and ordinarily annexed to the Code, and Novels of *Theodosius*, and the other ensuing Emperours. And the extracts out of the Comments of all the ancient *Roman* Lawyers upon them, and the other parts, and sorts of Laws currant in the Empire, are those, which are collected together, and methodiz'd and digested into the Pandects, or Digests of *Justinian*, according to the judgment of *Tribonianus*, and the others imployed in that business by him. And the Comments of those ancient Lawyers themselves

In Euseb. prop.
fin.

In Lycurgo.

In Solone.

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In Prae. Civil.
Tit. 5. Conf. 18.
N. 15.

selves are now also extinguished : Some say, by the special command of *Justinian*, some otherwise. But however the defect of them makes room for those complaints of the Civilians concerning it to this very day, that, if they had been preserved, they should have had the *Roman Law* from the fountains, and that then, *Frustra scripsisset Accursius* : To no purpose had *Accursius* written ; and the like. So then, the body of the *Roman Civil Law* is the largest, and most compleat body of that sort of Humane Laws, that we have at this day extant in the world. And of it we have made much use in the ensuing Book, wheresoever we have come to the quotation of Humane Laws ; and the rather, because of its universal currant authority, in these parts of the world ; It being received, and professed, generally in all the Universities of *Europe* ; And it being attended to, and consulted with more or less in all the ordinary Negotiations, and several Dominions of Princes. In the Empire, it is *Lex Terræ*, *The Common Law of the Land*. And it is commonly held by *Gothofredus*, *Pacianus*, and the other *German Civilians*, that the *Roman Civil Law* ought to have the force of Law in all the Territories of the Empire. Amongst the Princes of *Italy* almost the same is its use and authority ; and so more or less in the other Dominions of Princes. But yet notwithstanding I have in some few particulars taxed some texts of the Civil Law, and that professedly in the principle of natural freedom ; as also *Grotius* and others following it : And the reasons of my so doing lye open to censure. Next in Dignity, to the body of the Civil Law, follows the Code and Novels of *Theodosius*, and the few other Laws ordinarily annexed to them. And, besides these, also I have had occasion to make use of the more particular Civil Laws of Countries : And that, whether set forth by the Legislative Authority in those Countries, or not ; and whether professedly, as such, in a body of Laws ; or else occasionally mentioned in other writings. Such are the *Capitulare Caroli Magni*, the *Ordines Camerae Imperialis*, and the like. Under the faculty of the Laws, and in conjunction with the Law Civil, is comprehended also the Law Canon : and the authority of which, in things just and regular, ought not to be the less regarded, because it is Papal. And both those who compiled the body of it, and annexed it to come within the compass of that profession in the Universities, intended by it the consistency of Religion with Government, the matters Papal in it being only excepted. And last of all, I have had some occasion also to consult with the Christian Doctors upon both these sorts of Laws. Upon the Civil Law appear, first of all, the glosses of *Accursius*, after him *Bartolus*, and his Auditor and Scholler *Baldus*, both of very principal esteem, and next to *Accursius* amongst the Civilians. After them follow *Angelus Perusinus*, *Paulus Castrensis*, *Jason*, and others : And after them *Decianus* the Italian, *Antonius Augustinus* the Spaniard ; *Cujacius* ;

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The Prolegomena.

Hottomannus, and other *French men*; and the like out of other Nations. The like have commented also on the Canon Law; *Bartholomæus Brixienſis*, *Abbas Panormitanus*, *Didacus*, *Covarruvias*, and others, ſome of which I have made uſe of. The third and laſt ſort of profeſſion here to be mentioned, is, Phyloſophy; (*viz.*) the Phyloſophical Prudences, ordinarily ſo called; and the more principal of them, is, Politicks. And of Politicians, he that bears the name amongſt the ancients, is *Ariſtole*: But, *ſemper excipio Platonem*, and excepting only, that none of the works of Divine *Plato* ought to be detracted from; and whoſe Books of Laws, and his other works contain in them many things, both of the Laws of *Mofes* and *Chriſt*, and of the ancient Laws of *Greece*. Amongſt the Moderns, Jeſuites, or others, the learned *Bodine* deſerves an Aſterisk, as being ſo excellently well ſkilled both in the Civil Law, and alſo in the particular Laws and Policies of Countries. Beſides thoſe, who have written juſt Tracts of Politicks, are others alſo who have debated particular Queſtions in it; ſuch are *Junius Brutus*, *Buchanan*, the late *Engliſh-man Milton*, and others in the queſtion of Riſing in Armes. Next to Politicks, and the prudences concerning the ordering the matters of Church or State, follow the exemplary prudences of Hiſtory and Poefie: And laſt of all, the ſubſervient diſcipline, and divers from all theſe mentioned, of Oratory. The *Greeks* and *Roman* Hiſtories contain in them many of the notable examples of prudence in Governours, in the ordering the affairs of thoſe Mighty States. The Hiſtories of the Chriſtian Church that follow *Eusebius*, contain the like in Church affairs. Of either the preſent or late condition, both of Churches and States abroad in the world, there are many who give an Hiſtorical account; Such as *Chytraeus*, the Meſſenger of *Maximilian*; *Georgevix*, the *Turkiſh* Captive; *Damianus a Goes*, the Knight of *Portugal*; the *Venetian* Cardinal *Contrarene*; *Lennclavius*, in his *Annales Turcici*, his *Pandect's Hiſtoria Turcica*, and the like. And thoſe Books which principally concern the ſtate of the Church of *England* in particular, either as to matters Hiſtorical or Controverſal, I have given an account of in their places hereafter. And of the principal of thoſe which concern the more general and principal controverſals only in the margin, for the reaſons in thoſe places mentioned: And, in the laſt place, who will deny, but that the many admirable writings of the *Greek* and *Roman*, both Poets and Orators, are of ſingular uſe many times, both for the profeſſed, and occaſional, both illuſtration and confirmation of things? *Nonne Sexcenti Scriptores, tam Græci, quam Latini, paſſim Homeri, Heſiodi, & aliorum Poetarum exemplis, & testimoniis utuntur, ut rei veritatem confirment, horumq; ſpoliis ſua ſcripta ditent, atq; magnificè decorent?* Do not many hundreds of writers, as well *Greek* as *Latine*, make uſe of the examples, and teſtimonies of *Homer*, *Heſiod*, and of other Poets, up and down in their writings, that they may confirm the truth of things; and with the

The Prolegomena.

In Epistola De-
dicatoria præ-
fixa Euripidi.

Oratione ad Ni-
roctem Primo.

spoils of these, enrich, and magnificently adorn their writings? says *Emilius Portus*. And, 'Hoiōdon, ἡ Θουκυδίδου, ἡ Φακυλίδου, &c. *Hesiod and Theognis, and Phocylides*; these all men do confess to have left behind them the best precepts of life, says *Isocrates*. And as to the language that either these or others have written in, I have in the citation of them, taken this course, (*viz.*) for the *English* Readers sake, generally I have rendred them all into *English*, the Language in which I have written; but yet for the satisfaction of others, who might perhaps desire the present view of either the original Authorities, or the Latine Translation of them, I have, where I thought there was occasion, and it would not make too great an *Hiatus*, and gap in the Text, set them down also ordinarily before the *English* of them: But otherwise, I have generally, either set them down only in *English*, or else directed to them with an *Et cætera*, after the recital of somewhat of them. And last of all, as to the stile in which I have written, I have attended to the two things requisite, and which ought principally to be heeded in it, (*viz.*) its conciseness, and plainness; its conciseness, that I might rather say much in little, then be tedious; and its plainness, that I might be understood. And in this manner then I have commended this whole ensuing work to the Reader. And if any man think much of those Principles, of which it consists; behold the whole current of times, the Authority of all Laws, and the experiences and practises of all Ages (at least generally, and in the main) attesting to them.

In the interim, that I write not this Book to the vulgar amongst men, it is sufficiently evident, both from the matter and form of it. They may, where occasion requires, and for satisfaction of conscience sake, be more familiarly instructed in the Rights, and Liberties belonging to them in the matters of an Ecclesiastical Uniformity; but otherwise, it hath always been their unhappiness, and ever will be, not to be capable, neither in those matters, nor others, of being rationally dealt with. The very nature then of this discourse directeth it to the other sort of men, and particularly to those who have the guidance of others, and the ordinary sway of affairs in Commonwealths in their several Spheres of activity and stations belonging to them, either in the Church or State; that they may see the reasons of those things which are necessary for the supporting the welfare of Societies, and make the several uses of the matters contain'd within the compass of this Discourse, in order to the Publick Peace.

Last of all then, this being the more general drift, and intent of this whole work; in that posture (such, such as it is) in which it comes forth into the world; if there be any thing said in it, that is prejudicial, either to Religion or Government, or the consistency of each with either, I wish it were unsaid again. In the mean while, I have for some time retir'd my self to write it; and have only here further to say; May it serve the King of Kings in his Universal Monarchy over men, and Kings and Princes in their Governing of them.

T H E

THE
General Contents
OF THE
W H O L E.

LIB. I. CHAP. I.

THe General Notion of an Uniformity; and also those of Religion, and Government, and the Consistency of Religion with Government, defin'd and distinguish'd.

CHAP. II.

The first Proposition laid down, (viz.) That Religion is appointed by God. The rational Grounds of the Proposition given: And the consent of Nations about it; from whence the true Prescript of Religion is to be discerned: And the general grounds of all Religions, laid down, and compared.

CHAP. III.

The second Proposition asserted, (viz.) That Government also is appointed by God. The Question concerning the
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Derivation of it from the people, and the consequent Doctrine of Rising in Arms, in case of Male-administration, and particularly in defence of Religion, and the matters of an Ecclesiastical Uniformity stated. And of the Tendency of those Doctrines to the hurt of Religion and Humane Society.

C H A P. IV.

The third Proposition also asserted, (viz.) That Religion and Government, being both so appointed by God, must needs be Consistent mutually amongst men : And that their Consistency explicated, and stated.

C H A P. V.

To whom the charge and right of the preservation of the welfare of Religion and Government, and the Consistency of Religion with Government, is committed, in Humane Societies : and of the means necessary for the accomplishing and preserving of it, (viz.) An Ecclesiastical Uniformity.

LIB. II. C H A P. I.

THE Relation of an Ecclesiastical Uniformity to things Sacred, further, and more particularly distinguish'd. And that the Ecclesiastical Uniformity is judicated by the Civil.

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C H A P. II.

The healthfulness of Religion to Humane Societies. The ordinary causes of Religious contests assigned. From thence the necessity of some unity to be held, as to matters of Religion. The benefits of Charity and Peace ensuing upon it. And how much they are commanded in Scripture.

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The description of the Rights, directly belonging to men in an Ecclesiastical Uniformity. And first, of the Primitive Liberties, both Civil and Ecclesiastical, which belong to the People. And first, of the Civil; and of its Right of being preserved.

C H A P. IV.

Of the Primitive Ecclesiastical and Spiritual Liberties; which belong to the People. And of the several Obligations and Rights relating to them.

C H A P. V.

A more particular consideration of the two Grand causes of all Mischiefs in Humane Affairs, (viz.) The weakness and corruptions of men; and more particularly of their Influence on the Publick charge of the Magistrate: The thing to be preserved ultimately by an Ecclesiastical Uniformity.

C H A P. VI.

The more general Description of the Civil and Ecclesiastical Powers: and which belong to the chief Magistrate and Ecclesiastical Ministry, as their distinct Rights in an Ecclesiastical Uniformity.

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CHAP. VII.

The Proposition asserted; that, Humane condition in this world, being considered, there can be no such thing indulged, really in any State or common Society of men, as a loose and open Toleration of venting, and disseminating of Opinions in matters of Religion, without deadly Feuds and Contentions in that Society, and the dissolution of it, in the end, by those Feuds, and mens falling together by the ears, and to warre one with another. The dispraise of such and the like Feuds and contentions: and how much they make to the hurt of Religion, and also of Government, and also of the Consistency of Religion with Government, and how much they are forbidden in Scripture. The Conclusion drawn from all these things.

CHAP. VIII.

The two Propositions asserted, (viz.) 1. That there must of necessity be some Doctrine or Body of Doctrines, for profession of assent to be made to, and some Form, or way of Worship, to be used in Common; and both these as a foundation for a medium, or common means of procuring a charitative communion amongst men, in matters of Religion in any Society. 2. That there must of necessity also be a restraint held upon mens venting of their opinions, as a means for the preventing, and removing of Religious Contests. And both these sorts of means to be used to these ends, by the Chief Governour, or Governours in such Society.

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Hence the way of an Ecclesiastical Uniformity, (viz.) in outward profession, and Publick Worship, hath been alwayes endeavoured, and made use of by the Governours of all Societies,

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Societies, in their different wayes : And that from the Dictates of the Laws of Nature and Nations, and the Divine Law approving of, and leading them to it.

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What are the Extreame, in respect to this Ecclesiastical Uniformity; and what are the faultinesses in it.

CHAP. XI.

From whence the just measures of an Ecclesiastical Uniformity are to be taken; and of the more particular Rights and Liberties relating to them.

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O*F the two Grand Instruments of an Ecclesiastical Uniformity, (viz.) a Canon of Doctrines, and a Liturgy framed according to it.*

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What are the general ends of such a Canon of Doctrines and Liturgy, in any National Church.

CHAP. III.

What are the more particular aims or ends of the Canon of Doctrines and Liturgy, in order to these three General?

CHAP. IV.

Of the inward Unity of Assent, which is supposed to the outward unity of Profession, and use of Publick Worship, in an Ecclesiastical Uniformity.

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How the Canon and Liturgy ought to be composed in order to their answering to their general ends.

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CHAP. VII.

What is the Doctrine of the Church in the Canon and Liturgy ?

CHAP. VIII.

Of the interpretation of the Canon and Liturgy, to be made by private persons ; and how it ought to proceed.

CHAP. IX.

Of the rewards and punishments belonging to an Ecclesiastical Uniformity ; and the Authorities, and Rights concern'd in the dispensing of them.

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Of the Magistrates further intent, in relation to the inward notions, supposed to the External Profession, and use of things : And of the more particular latitudes, belonging to those notions, and the Assent included in them.

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Of the Testimonials to profession, in an Ecclesiastical Uniformity : And what they are.

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CHAP. XII.

Of these Testimonials as Religious Bands : and in what manner, upon what grounds, and to what things they oblige.

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Of mens Liberty of opining and exercising their judgment of discerning, concerning the matters of the Canon and Liturgy; and how far it extends. And some cautions concerning such the exercise, and spending of it.

CHAP. XIV.

What are the more particular restraints and liberties, and the Rights of the Magistrate, relating to mens divulging of their opinions; Especially concerning the matters of the Canon and Liturgy?

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Of the Supervisors in an Ecclesiastical Uniformity.

CHAP. XVI.

Of the Supream Interpreter in an Ecclesiastical Uniformity.

D E

Jure Uniformitatis Ecclesiasticae :

OR, OF THE

R I G H T S

Belonging to an

UNIFORMITY in CHURCHES.

BOOK I. CHAP. I.

The General Notion of an *Uniformity*, and also those of *Religion* and *Government*, and the *Consistency of Religion with Government*, defin'd and distinguished.

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| <p>I AN <i>Uniformity defin'd; and the first and Capital distinction of it.</i></p> <p>II <i>The first and capital division also of all Affairs amongst men, and the application of them to the general intent of an Ecclesiastical Uniformity.</i></p> <p>III <i>Religion defin'd.</i></p> <p>IV <i>The first distinction of it.</i></p> <p>V <i>The Second.</i></p> <p>VI <i>The Third.</i></p> <p>VII <i>The Fourth.</i></p> <p>VIII <i>The Fifth and last.</i></p> <p>IX <i>Government defin'd.</i></p> | <p>X <i>The first distinction of it.</i></p> <p>XI <i>The Second.</i></p> <p>XII <i>The Third.</i></p> <p>XIII <i>The Fourth.</i></p> <p>XIV <i>The Consistency of Religion with Government defin'd.</i></p> <p>XV <i>The first distinction of it.</i></p> <p>XVI <i>The Second.</i></p> <p>XVII <i>The Third.</i></p> <p>XVIII <i>The Fourth.</i></p> <p>XIX <i>The Fifth.</i></p> <p>XX <i>The Sixth and Last.</i></p> <p>XXI <i>The Conclusion subjoyned to these preceding Matters.</i></p> |
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A

I. Art

The definition and first distinction of an Uniformity.

I.



N Uniformity, from the common use and connotation of the term, is nothing else but an Unity of the outward Form of things; and it is either Ecclesiastical or Civil. The Ecclesiastical is that which is *Directly* conversant about the Affairs of Churches; And the Civil that which is *in like manner* conversant about the Civil State.

* The first and capital division also of all Affairs amongst men; and the application of them to the general intent of an Ecclesiastical Uniformity. *D. de verum divisione & qualitat. L. 1.*

II. The first and capital division then of all affairs amongst men, is, according to this first distinction of an Uniformity. * *Summa rerum diviso*, sayes *Paulus the Civilian*, *in duos Articulos diducitur; nam alia sunt Divini Juris, alia humani*: That the chief division of Affairs is derived into two parts; for some of them are of Divine Right, and the others of humane: And the Divine Affairs are those which concern Religion; The Humane, those which concern Civil Government. And God and Nature have appointed both these to *Consist*. These three things then, and the preservation of the welfare of them, (*viz.*) Religion, and Government, and the Consistency of Religion with Government, are the general matter, about which an Ecclesiastical Uniformity is conversant; About the preservation of the welfare of Religion, and its consistency with Government primarily and directly; and about the preservation of the welfare of Government collaterally, and by consequence. And because in our following Discourse concerning this kind of Uniformity, and the Rights belonging to it, we shall have many things to say about these three more general matters, which will be common to the whole; therefore it is that they are here first of all to be unfolded accordingly, and that for our clearer passage to the discussing and determination of other things founded upon them, hereafter, in their several Topicks and places properly belonging to them. So then, that which I shall do in the unfolding of them shall be,

1. To define them severally.
2. To distinguish them.

Religion defined.

III. Religion then is here first of all to be defined. First of all, because it is in our following Discourse the thing first in order which we treat of. And to be defined, (*viz.*) in the general notion of it. Religion then is nothing else but the Law of God prescribed to men. In respect to God, the Law-giver and prescriber of it, it is his Law; and in respect to men, the observers of it, it is their Religion, or Service and Worship: So, when the Book of God calls it, on his part, his Statutes, his Word, his Way, (*Psal. 119. 48, 105, 37, &c.*) and the like; and when the Hebrews, on man's part, call it by the several names of *יראה* Reverence, *יראה* Fear, *אמונה* Faith, and the like, all return in their several respects, into the sense of the definition. Religion, sayes *Isidore*, *Di-*

Etymol. lib. 18.

Di-

Haec est ab eo, quod per eam uni soli Deo religamus animas nostras, ad cultum divinum, animo serviendi; That Religion is called so from hence, because by it we bind our souls to the one only God, for the performance of Divine worship to him, with a mind of serving him. And Cicero sayes, that it is it, *Per quam reverenti famulatu Ceremonia divini Cultus exercentur*, By which with a reverend and servant-like deportment the Ceremonies of the Divine Worship are practised. And St. Augustine defines it to be, *Nihil aliud quam cultus divinus*, Nothing else but the divine worship. The application of the general notion of Religion to other things besides the worship of a Deity, needs not here be mentioned. And when the Latines use the term for any great care or respect that a man useth about any thing, it is then used Metaphorically and abusively; but then only properly and emphatically, when it is applyed to the Divine Worship, as we have mentioned: So the old Roman Civilians, ordinarily in their cases, and the several texts of the Digests. Religion towards God, Pomponius calls, the worship of some Deity, which is common to all Nations. And the several Titles, *De Religiosis & sumptibus funerum, de Sepulchro violato*, and the like, will evidence the same thing.

De Nat. Deor.
Lib. 1.

De Civ. Dei.
Lib. 25.

De Justit. &
jur. L. Veluti.
Lib. 11. Tit.
17. Lib. 47.
Tit. 13. &c.

IV. Religion then being thus defined, let us come to our distinguishing it, according to the occasions of the body of our discourse hereafter: And the first distinction of it is by disparates; that it is to be considered either in the General or Special, or individual. In the General, it is such as we have already mention'd; the term being taken at large, and not bounded by any special restrictions: In the Special it is taken for this or that sort or kind of Religion; and that whether it be more special, as it lies at a farther distance; or less, as it lies at a lesser distance from the first general, according to the rules of Logick. Last of all, in the Individual it is taken for this or that individual, or particular part of the same sort of Religions, as it is either exercised or professed by this or that part of the Professors of it: And so is Rome one part, and Verona or Florence another part of the same Roman Catholick in Italy, and the like.

The first distinction of Religion.

V. The second distinction of it is, by the two opposite members of true and false; and the effects of these in mens minds and actions are either natural or supernatural. And this is most certainly true, that any false Religion, if it be but apprehended to be true, will have *per omnia*, the same natural effects in men, together with that which is really true: and as having such are any false and erroneous sorts of Religion in the world considered by us, when they are mentioned hereafter, and applyed either separately or mixtly to things.

The Second distinction of it.

VI. The third distinction of Religion is, that it is taken simply, or relatively; simply, when it is considered by it self, and only in a simple

The Third:

simple

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The Third.

simple and abstracted Notion : and relatively, when it is relating to other things. And that Religion is to be considered in a relative notion by men very frequently, for the guidance of their actions by it, there needs no more said to evince it, then that it is placed by God in the world, together with other things, which it may either commodate or incommodate, according as it is apprehended of, and used or practised by them, in relation to those things :

—*Vicè cuncta reguntur,*—
—*Alternisq; regunt*—

Says Papinius,

That all things are Governed by vicissitudes of influences upon one another ; and he that considers not the respects of things in the world, which they bear one towards another, and acts accordingly, will quickly by his actions bring all to Confusion.

The Fourth.

VII. In the fourth place, Religion is either National ; or not National, and secluded : National it is called, by the usual application of the term, when it is the Religion only publickly established by Authority in a Country, and then the Church is said also to be incorporate into the State : And, not National, is the contrary. Of the former of these Sorts, is the Christian Religion in the most of the Dominions of *Europe* ; In the large Territories of *Preister John* in *Affrica* : Of the latter is the Christian, and Jewish Religion in *Greece*, and in the most of the Dominions of *Asia*, as is affirmed by *Chytraeus*, *Johannes Boemus Anbanus*, *Georgieviz*, *Godignus*, and others. And although it be true, in the mean time, that sometimes, *De facto*, there are diverse sorts of Professors of Religion tollerated in the same State (as will be further mentioned hereafter) yet none of those have the privileges, nor extent, ordinarily, of that which is the National, nor cannot properly be called so, for those Reasons, and because secluded from those more eminent endowments : But notwithstanding still all of them have their respects severally to the State, and the Government of it ; *Quia Ecclesia, quamdiu hic vivimus, vix separari possit a Republica* : Because the Church, so long as we live here, can scarce be separated from the State, say the States, General of the *United Provinces*.

In Declaratione
præfixæ ad Acta
Synodi Der-
char.

The first and
last distinction
of Reli-
gion.

VIII. In the first and last place, a Religion secluded is yet further to be distinguished ; And that, as it is either secluded onely being at all practised, or exercised in any Society. Of the latter sort was the care of the Christian Religion in the dayes of the Apostles, and afterwards under the Heathen *Roman* Emperours ; and of many Sects afterwards, under the *Roman* Christian Emperours, and such as are prohibited by them, in the New Civil Law, and the Code and Novells of *Theodosius* : But this case is here only pointed at by us, and comes not into ordinary consideration hereafter : And that,

that, because it seldome or never happens, that such a Religion subsists with any duration in any Society; or that, *de jure*, the continuance of it ought to be endeavour'd in respect to such or such a Society: unless where there is an immediate and particular command from Heaven for it, as there was to the Apostles in respect to their first preaching in *Jury*: otherwise the Divines and Civilians do rightly prescribe to the professors of such a Religion, either present Martyrdome, or else flight and change of the soyle by migration unto another Country. And thus much of this first general Terme.

IX. The Terme Religion then being thus explicated; the like is to be said also concerning Government. And first, for its definition; Government in the general, is the disposition of the Affairs of humane Societies. So *Plato* defines it to be *Cura totius*, *The care of the whole*. And *Bodinus* sayes, That a Commonweal is, *Familiarum, rerumq; inter ipsas Communium summa potestate, ac ratione moderata multitudo*; *A multitude of families, and affairs, common amongst themselves, governed by the Power and Reason that is supream*. And here presently then, for the unfolding of this definition, will occurre the severall Societies that are amongst men, to be distinguished. Any conjunct plurality of men is, in nature, a Society; because they, by their plurality and conjunction, partake of the general nature of such a Society. So, there is a Society in Families, in Corporations, partaking of the same Municipal Laws, amongst Merchants, for their Trade's sake; nay, even amongst Robbers and Pyrates to a bad end.

Government defin'd.

In Definitionibus.
De Repub. lib. 1. cap. 1.

Ὅσα τὰ ἀνθρώπων ὑπὲρ ἀλλὰ, τοὶ γ' ἀλλήλων
Ψυχὰς παρδύμενοι, καὶ δὲ ἀλλοδαποῖσι φέροντες.

Who rove like Theeves up and down the Seas, sayes the *Poet*, to infest Strangers. But the Civil Law would have no Society to consist of less then three; and that three at the least did *facere Collegium, make up a Society*, for Trade, or the like: And use and custome hath obtained yet farther, that, when humane Societies are mention'd, the Termes be applied only ordinarily to States, and Kingdomes, and the like greater sorts of lawful humane Societies. And so then is the terme Society understood by us generally in this Discourse: And the Notion of Government mentioned is in like manner applied to it.

Homer. Odyss.
3.
D. De Testib. L.
Ubi §. 1.
D. De Verbor. Sig. L. Narratio. §. 2.
D. Eodem. L. Familiæ. §. 3.

X. The first definition concerning Government, is the same that was mentioned concerning Religion. It is considered, either in the General, or in the Special, or in the Individual: the Termes being applied here in the same manner as before; and the different respects of them onely being preserved.

The first Definition of Government.

The Second.

Florentinus D.
De statu homi-
num. L. Liber-
tas, &c.

XI. The second distinction is by opposite members: that it is considered, either as a faculty, or else in the exercise of it. As a faculty; and so it denotes the power of him that Governes. And so the Roman Civilians call that power, which a man hath over himself (which is his Liberty) or over others (which is Dominion) by the name of a Faculty. Or else in the exercise of it; and so it denotes the use and actual imployment of that power of Government: And in both these senses it is applied hereafter, sometimes Habitually, and sometimes Actually taken.

The third Distinction.

XII. The next distinction of Government is by disparates; that it is to be considered, either as a charge committed to the Governour by God (and so it respects principally his obligation to God concerning it;) or else as the Right of him that Governes (and so it respects his claime and title that he hath to it;) or as it intends the welfare of humane Society, and so it respects also the means which he is to use, for the compassing such the welfare of it. And under these considerations also it will occur hereafter.

The fourth and last.

12. Quest. 96.
Art. 1.
2. quest. 90.
Art. 2.

XIII. The fourth and last definition of it, is, by opposite Members; and that by the farther distinguishing it, according to the last notion of it mentioned. And so it is considered; Either as it concerns the good of particular persons Eminently, and that in Priviledges; or else of the Community, and that in its Ordinary General intent, as was said. *Privilegia dicuntur quasi privatae leges,* sayes Aquinas, That Priviledges are so called, as it were private Laws. And further, sayes he, *Because the Law is the Rule of humane Actions; the last end of which, so regulated by it in a Society, is the good, and happiness of all the members of that Society; ideo necesse est eam semper ad bonum commune ordinari,* That therefore it must needs follow, That the Law, in its ordinary general respect, must intend the common good. Now the Law is that, by which the Governour proceeds in Government: Neither is that benefit of the Law, which is common to all particular persons, equally, and as included in the whole, to be called by the name of a Priviledge.

The Consistency of Religion with Government defin'd.

XIV. In the third and last place we come to explicate also the consistency of Religion with Government: and by it is meant nothing else but the agreement of the Precepts of Religion with Government, and the right and necessary rules of it: and those rules of Government are to be said to be necessary, which are so either ordinarily, and in common to all Governments; or else *pro hic & nunc*, and according to the occasions of particular Societies, and the present circumstances attending their several publick affairs: and the distinctions of this Consistency are those which follow.

The first Distinction of the consistency of Religion with Government.

XV. First of all, it is taken either Negatively or Positively. In a Negative sense, when Religion doth not hurt or overthrow Government. In a Positive and affirmative, when it doth benefit and support it.

XVI. This

XVI. This Positive Consistency is again taken, either simply, when in an ordinary common way Religion doth benefit Government; or eminently, when it doth so in an extraordinary and eminent degree. The second Distinction,

XVII. This Consistency is attributed to Religion, either in respect to inward acts of the mind, and openings in matters of it; or else in respect to outward acts of the Body, such as divulging of Opinions any manner of way, as it immediately hath such an influence upon Government. The Third.

XVIII. The consistency of Religion with Government, is either Total or Partial: Total, when it so consists in all it's Precepts; Partial, when but in some only. The Fourth.

XIX. It is yet farther, either Fundamental, or not Fundamental: Fundamental when it so consists in matters Fundamental: and those either in respect to Religion on it's part, or Government on it's: and not Fundamental is the contrary, and when it respects only lesser matters. The Fifth.

XX. The sixth and last distinction of this consistency is into actual and necessary: Actual, when *de facto* only it is so: Necessary, when it can be no otherwise; which necessity of Consistency is always proper to the True Religion; and these Distinctions also are to be heeded hereafter. The Sixth and last.

XXI. Last of all, there is one only Corollery then to be subjoyned here to all these things; and that is, that the Decrees of God concerning these general matters mention'd are both Infallible and Immutable: Infallible in his intent in placing them aright in the world, and so as is best for humane affairs; And Immutable concerning their continuance in such a state and condition as he hath intended them for; which things will be easily granted, since the denial of either denieth a necessary attribute and perfection to the Godhead. The Conclusion subjoyn'd to these preceding matters.

CHAP. II.

The first Proposition lay'd down, (*viz.*) *That Religion is appointed by God.* The rational grounds of the Proposition given. The consent of Nations about it. From whence the true *Prescript of Religion* is to be discerned: and the general grounds of all *Religions* lay'd down, and compared.

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|---|---|
| <p>I. Some Religion necessary to be prescribed to man, evident from the light of Nature.</p> <p>II. The Prescript of it must needs be from Gods appointment, evident from the same Natural light.</p> <p>III. Hence the consent of Nations, and the commands of God himself about it.</p> <p>IV. That particularly instanced in, in Moses his derivation of his Law from God.</p> <p>V. So also the Heathen dated theirs.</p> <p>VI. So the Christian prescript was derived from the same Authority with that of Moses.</p> <p>VII. So Mahomet also dated his.</p> | <p>VIII. Twenty sorts of precepts of Religion.</p> <p>IX. What the true prescript of Religion is, is to be known only from divine Revelation.</p> <p>X. In what Divine Testimony consists: and how the Revelation of the true prescript of Religion is to be known from it.</p> <p>XI. Our discerning the operation of Gods Attributes distinguished.</p> <p>XII. The properties of the operation of these Attributes of God; and particularly of his Omniscency, and Omnipotency: and of Tradition in relation to the effects of them.</p> <p>XIII. The operations of Gods Omni-</p> |
|---|---|

*Omniscien-
cy, the only Primary Divine
Testimonies to matters of
Religion: And Tradition, the
only instrument for the con-
veyance of the memory of
them, and the Doctrines of
Religion down to future a-
ges. And the consent of Na-
tions, and of God himself a-
bout these things.*

XIV. So in Moses his Law.

XV. So the Heathens.

XVI. So Mahomet.

*XVII. So also in the Law of
Christ: And the Christian
Religion asserted from it;
and that also with a special
respect to an Ecclesiastical
Uniformity.*

*XVIII. The Universal Con-
sent of Nations about it also
at this day, (viz.) That
Religion is appointed by
God.*

I. **T**He general terms then, which are common to this whole Discourse, being thus first of all explicated, I come next to the first particular consideration of things; and that is, of that, first in Order, as I said, (*viz.*) *That Religion is appointed by God*: and because the being of some Religion, in the General, for man to practise the precepts of, is to be supposed as the foundation of its being constituted by such or such an Author of it; therefore that is evident from the dictates of Natural Light, concerning the Creation of Man. For, God having endued him with such sublime faculties of his Soul, as whereby he was capable of practising the Precepts of such a Religion; either such a thing as Religion was to be appointed for him to practise, or else such his natural faculties, (as to that most excellent end of them) should have been bestowed upon him in vain: But God and Nature make nothing in vain.

Some Religi-
on necessary
to be prescri-
bed to man.

II. The Precepts then of such Religion, whatsoever they be, must needs proceed Originally only from the appointment and prescription of God: and that both because God only, on his part, hath the right of prescribing such Precepts obligatorily, and in the way of Divine Law (such as Religion was said to be above in the definition of it) to man; and also because such Precepts in the matter of them, must needs be according to Gods will, or else they will not be acceptable to him: and if not acceptable, then the observation of them, on mans part, cannot bear the notion of service and worship; such as it was attributed to it to be, above, also, in the explication of the definition. The Right which God hath of obliging man by Precepts of Religion is two-fold; First, that which belongs to him Primarily as Creator; and secondly, secondarily

The Precepts
of it only
from God.

Cap. 1. Sect. 2.

Ibid.

Exod. 20. 3.

Acts 17. 24.

darily as Governour of the world : and therefore it is the first General Principle of the Law of Nature, in matters of Religion, that the Creator and Governour of the world is to be served and obeyed : As it is the first Commandment in the Law of *Moses*, *Thou shalt have none other Gods before me.* And it is the prime original of all Sabbaths (*i. e.*) times set apart for the more stated, solemn service of God ; the remembrance of God as Creator, and governour of the world : as in the ancient Judicial Sabbath, the Creation of the world, and Gods resting from it to proceed to governing, were assign'd as the reasons of it. And it was the Doctrine of St. *Paul* to the *Athenians*, that God that made the world was to be worshipped : and as this is the reason of Gods Right of prescribing the Precepts of Religion to man ; so alike also are the reasons, why the matter of such Precepts, by being according to Gods will, must be necessarily, on mans part, his Service and Worship. For, if otherwise, the Issue of it will be no less then the removal of God from being either a rewarder, or a punisher of men ; and so consequently from having to do at all authoritatively in Humane Affairs : and so in the end, all Religion it self towards him, will be destroy'd ; which would be all one, as to man, as if God's very being it self were removed out of the world. For a reward is for something done according to ones will. And, *Pena est noxa vindicta ; Punishment is vengeance taken upon a fault,* sayes *Ulpian* : But if Religion, by being according to Gods will, be not mans service and worship, there can be no reward annex'd to it from God, nor punishment, because he is not wronged, if the precepts of it be violated : and the impulsive cause of all Divine Worship in man being, naturally, and primarily, Hope and Fear towards a Deity ; and good and evil to be expected from him, being the only objects of these affections ; and the light of Nature, where Divine Revelation is wanting (as it is supposed to be in this case) dictating no other principles of expectation of good or evil from him, but that of reward for serving him, or punishment for offending him. If Gods having to do authoritatively by such rewards and punishments be removed from amongst men, what ground or reason would there be left for the practising of any Religion at all towards him ? and if not towards him, then towards none at all ; since none else but the Creator hath any right of prescribing it.

The consent
of Nations,
and the com-
mands of God
himself about
it.

III. From these Grounds and Principles in Nature, concerning these things, then it is, that the consent of Nations hath dictated the derivation of all Religion only from God. And the Divine Law also hath commanded the same thing. In *Moses* his Prescript of Worship, it is the reason prefix'd to the whole System of his Laws, which were delivered after the Moral Laws, as well as to the two Tables of the Moral Law it's self ; *I am the Lord thy God* : and by the same Laws, the Idolatry of the Nation was forbidden

to

to *Israel*, as well as that the prescribed worship of God was commanded. In the Law of *Christ*, he himself contra-distinguish'd the commands of God to the traditions of men : and his followers practis'd the very same Doctrine, and that expressly upon the very grounds, in Nature, which we have mentioned. There is one Law-giver, who is able to save, and to destroy. Who art thou that judgest another, saith *St. James*. And *St. Paul* lays down that maxime, That, *Without Faith it is impossible to please God* : and he annexeth the reason of his assertion ; for he that cometh to God, must believe that he is, and that he is a rewarder of them that diligently seek him. The same thing concerning duties, that *Christ* himself also, before him, hath prescribed concerning sins ; *Fear not them that kill the body*, but are not able to kill the soul ; but rather fear him, which is able to destroy both soul and body in Hell. The like hath been the Doctrine of the Heathen Sages also, upon these very accounts. Divine *Plato* says, That those are the two great sorts of destroyers of all Religion in the world ; ἢ τὸ τοιοῦτον εἶναι, θεῶν ἐκ ἀγνοίας ; ἢ τὸ δεινότερον, ὅτις ἐστι περὶ τὴν ἀνθρωπίνην ; *Either who deny the being of the Gods, or else do affirm them not to take any care of humane affairs.* And *Cicero*, *Sunt Philosophi, & fuerunt, qui nullam habere censebant humanarum rerum procuracionem Deos : quorum si vera sententia est, quæ potest esse Pietas, quæ Sanctitas, quæ Religio* : That there are indeed philosophers, and have been ; who have thought that the Gods had no care of humane Affairs ; whose opinion, if it be true, what Piety can there be, what Sanctity, what Religion ? And *Stratocles* heretofore was laugh'd at, when he asked a Law at *Athens*, That whatsoever should please King *Demetrius*, that should be reputed Religious towards the Gods, and just amongst men.

IV. And these Grounds then of the Divine appointment of Religion, being thus assigned from Nature ; We shall also find the Universal consent of Nations to it in like manner, if we will but take a view of the several prescripts of Religion (both True and False) that have been in the world. So first, as to that of *Moses*, the most ancient Law-giver, (as *Josephus*, in his time, and when Gentilism was so rife in the world, durst avouch him to be, against all the Heathen prescripts :) He received his two Tables written with the finger of God ; and the Judicial and Ceremonial Laws of *Israel* from the same hand, at Mount *Sinai*. And it is a Tradition amongst the Jews ; that the Tables were hewn out of the Saphire of the Throne of Gods Glory, which they say is mentioned *Exod.* 24. 10. But I need not insist further upon this particular.

V. Let us proceed next to the Prescript of Heathens, and view their Derivation of their Religion from Divine Authority. The only creditable and authentick Records of former ages, that are left in the World, are those generally of the *Greeks* and *Romans* : In *Timeo*, circa

Mat. 15. 9.

Chap. 4. 12.

Heb. 11. 6.

Mat. 10. 28.

De Legib.
Dial. 10. in
princip.

De Natura
Deor. Lib. 1.

The derivati-
on of Religi-
on from God
instanced in
the Law of
Moses.
Contra Appion.
passim.

Exod. 32. 15,
16.
Thargum. in
Cant. Cap. 1.
11.

So also the
Heathen da-
ted theirs.

In *Timeo*, circa
princip.

the defect of the Histories of former *Ages* amongst them, that was even in his time : and they being the Elder of those two latter Empires, if any are to be believed concerning the derivation of their Religion, they are.

First then, as to them, and afterwards we will come to the *Romans*, *Herodotus* says, That they derived their Religion from the *Egyptians*. *Plato* from them, the *Phenicians*, *Assyrians*, and others. *Plutarch* from *Thrace* : But all agree in this, That they received it traditionally from the Institutions of the Gods, in those Countries. And it is evident, that from these, and such other Countries they received it, because they worshipped the same Gods, and in the same Order, generally, that they did. So the two famous *Greeks*, *Homer* and *Plato*, mention the Sun and Moon as the Chief of the Gods ; The one as the Queen, the other as the King of Heaven : Such as the Moon is called in the Scripture, *Jer. 7. 18.* and which the *Phenicians* are said, from the Hebrew, to have called *Baalts*, or *Baltis*. And it is well known how these two Gods were fam'd to be worshipped by the two first Empires of the *Assyrians*, *Persians*, and others : and is without controverſie, from the Writings that are left us by the Wise Men amongst the *Greeks*, that there was no expectation of any one Precept of Religion, to be received amongst them from any, but the Gods. I will quote but two of those Writers, the Poet *Euripides* and *Plato*. The Poet *Euripides*, *Plutarch* compares with *Lycurgus*, for his Divine Wisdom, testified to by the Gods in the falling of Lightning upon both their Tombs (sayes he) presently after their deaths. And *Plato* needs not to borrow a Name for the like wisdom also : and in both writings of these men, the Derivation of Religion only from Divine Authority is constantly owned and asserted. So *Euripides* in his *Troades* terms the Priests to be enlightned from Heaven.

Τὰν καταλαμπούσαν

Zadian *degrāvan*.

And the Divine Priests,
Enlightned (from Heaven.

Vid. *Bacchæ*
in princip.
ἱερῶν.

So also in his *Bacchæ*, he brings in *Bacchus* constituting his own Holy Rites,

Ἔς τ' ὃν παρ' ἡλδον Ἑλλήνων πόλιν,
καὶ ἱερῶν, καὶ καταστήσας ἑμὰς
τελετὰς, ———

To this City of the Greeks I first of all came,
And there leading the Chori, and appointing mine own
Sacred Rites ———

And

and afterwards he calls the Drums, and other things used by the *Monades* at his Sacrifices, his own Inventions. ibid.

Τύμπατα Πέας ἡ μητρὸς, ἑμὰ δ' ἐυρήματα.

The Drums of Mother Rhea, and mine Inventions.

And afterwards *Cadmus* affirms it to be lawful for him to lead the Chorus, because the God had not revealed distinctly, whether a young man or old should do it : So in his *Rhesus* he calls the Service of the Gods, *Μυστήρια τὰ Ἀπόρρητα*, hidden mysteries : And that; both in respect to the Divine Revelation of them at first, as well as to any of their being kept secret afterwards. And the like many more instances might be given out of the Writings of this Divine Poet. And as to *Plato*, we will quote but two remarkable places out of him, concerning all these things; the one out of his Dialogues *De Republica*; where when he comes to discourse of holy things, *Τὸ ἐν (ἐστὶν) ἐπὶ αὐτῷ ἡμῶν λοιπὸν τῆς νομοθεσίας εἶναι; ἡ δὲ οὐκ εἶπον, ὅτι ἡμῶν αὐτῶν* Dial. 4. Paulo post princip.
Τὸ μὲν τοὺς Ἀπόλλωνι ἐν Δελφοῖς τὰ ἡ μέγιστα, ἡ κέλυσσά, ἡ πρὸς τῇ νομοθεσίᾳ, &c.
What then (said he) is there yet remaining to us in the constituting of Laws, And I said, to us truly nothing; but to Apollo of Delphos, the Greatest and most Eminent, and Prince of all Laws, To him belongs the constituting of Temples, and Sacrifices, and the other sacred Services of any of the Gods; besides the Ceremonies us'd about Sepulchres, and Funerals of the dead, and whatsoever services belong to the appeasing of them : And then sayes he further, and more generally, concerning all such Divine Services, Talia profecto neq; ipsi scimus, &c. Such things truly neither have we knowledge of; and in constituting a City, we will believe none else, if we are wise; nor use any other Interpreter of them to us, but our own Country God, (viz.) this God, being in all such things, and to all men, the interpreter proper to every Country, sitting in the middle of the Earth, and upon the very centre of it, expounds them to them. Thus, far goes he in that place. And the other is out of his books of Laws; Dial. 5. circa med.
and that speaks further.

These things are to be said, (sayes he) for this reason, to him that builds a City, and Common-weal, (viz.) Whether he founds it new from the beginning, or else restores it being old and dissipated; Concerning the Gods and sacred Rites, whatsoever of them ought to be constituted, for each sort of people in a City; And by whatsoever Gods or Demonds to be named : None that is in his right Wits, will endeavour to innovate concerning these things, whether they are received from Delphos, or Dodona, or Jupiter Ammon, or are asserted from some Ancient Fame, to have been by Visions and Inspirations of the Gods; which things being appointed of the Ancients, did constitute Sacred Rites, mixed with solemnities; and that whether they

D arose

arose from strangers; or are said to be from Tusciam, or from Cyprus, or whencesoever else. So that it is evident now from these, and the like Authorities amongst the Greeks (which might be produced) from whence they deriv'd their Prescripts of Religion (*viz.*) from their Oracles, and Gods; from visions, divine Inspirations, and the like wayes of Revelation from Heaven.

In the second place let us make the like enquiry concerning the Romans; And the like will be found also concerning them: So *Numa* (whom (*Machiavel* sayes) *Rome* owed more to for bringing in Religion amongst them, then to *Romulus* their Founder: And he dated his prescript of Religion from night Converses, which he feigned, with the Nymph *Egeria*; and day converses with the Muses, as *Livy*, and *Plutark*, and others affirm. But before either him, or *Romulus*, many religious Rites and Ceremonies were brought into Italy by others. *Faunus* their most ancient King, is famed first to have consecrated Groves: (the same things which we read of to have been in use amongst the *Assyrians* and other Heathens in the Scripture;) and so also to have erected Temples, appointed Sacrifices, and the like. After him *Evander* brought other Rites from *Arcadia*; and after him *Eneas* other Trojan Ceremonies from *Troy*: and *Numa* is said by *Lactantius*, to have added to these. But however all these, whether Traditional, or newly founded by *Numa*, were still derived from the Gods. *St. Augustine* in his Book *De Civitate Dei*, reduceth the Theologie, both of the Romans, and other Heathens, to these three sorts, delivered by *Varro*, as he sayes, *Varro Tria genera Theologiæ dicit esse: Earumque unum Mythicon appellari, alterum Physicon, Tertium Civile. Varro sayes (sayes he) there were three kinds of Theologie; and that the one of them was called Poetical, the other Philosophical, and the third Civil.* And he sayes consonantly elsewhere; That it was delivered by the *Pontifex Scævola*, *tria genera fuisse deorum, unum a Poetis, alterum a Philosophis, tertium à Principibus Civitatum: That there were three sorts of Gods; the one of them received from the Poets, the other from the Philosophers, and the other from the Princes of Cities*: And all these were still sayd to be from Divine Revelation. The Poets were of old looked upon as Inspired from Heaven. So *Plato* Testifies concerning those of Greece, *ἐκ ἐκείνων, ἀλλ' ἐνθάδε ὄντες, ἢ ἐπιχθονίοι ποίησάντων τὰ κατὰ λόγον ποιήματα*; That they uttered their excellent Poems, not at all from any thing of Art, but from Divine Inspirations; and that they drew Wine, and Milk from the fountains, and hills of the Muses: as Bees did honey from flowers. And were the Interpreters of the Gods; and the like, in many other places. So the Latine Poets also had the same reputation in their times and Countries.

Disputationem
lib. 1. cap. 11.

Decad. 1. lib. 1.
In vita Numa.

De fals. Relig.
Lib. 1. cap. 2.

Lib. 6. cap. 5.

Ibid lib. 4. cap.
27.

De furorè Poe-
tico, in Princip.

Vid. etiam in
Phædro, circa
princip.
Et de legib.
Dial. 2. Et de

Est Deus in nobis, agitante ealescimus illo, &c.

Repub. Dial.
10. Et de legib.
Dial. 3.

That there was a God in them; and that they grew warm by his motion. And the like is to be said of the Philosophical, and City Divinity. The Philosophers and Senates (just as the *Sanedrim* amongst the *Jews* concerning Prophets) did not receive any thing in either, but what they judged to be from Divine Revelation. The Story is known concerning *Jesus Christ* in *Tiberius* his time: whom the Senate would not receive into the number of their Gods, because he had been worshipped before they had approved of him. And as this is said concerning the Religion of the *Greeks*, and *Romans*, and other Heathens in the general: So, the like also might be said concerning all the particular parts of it. Their Festivals were dated from their Gods; The Priests at their Oracles said to be Inspired by their Gods; and the like in other things. So that, thus was the Heathen Religion received totally upon the account of Divine Authority: and we may be sure upon none other account at all: for else to what purpose was it, that these Oracles, and several other ways of Divine Revelation, mentioned, were held in such repute amongst them for that end, (*viz.*) That they might thus receive their precepts of Religion from them?

Suetonius in
Tiber. Tertu.
Apolog. &c. 3.
Euseb. Hist.
Ecclesiast. lib.
2. cap. 3.

Vid: Ovid de
Fest. Dii quoq;
Tristitiam po-
ni per sua festa
judent.
Et Hora, Carm.
lib. 1. Ode. 16.
Non Dyna-
mene, non alyu
quatit. Men-
tem Sacero-
tum incola Py-
thius. Non Li-
ber æque.

Et Vid. Hospi-
nian. de Orig.
Festorum, &c.
So the Chri-
stian Precept
was derived
from the same
Authority
with that of
Moses.

Math 23.
In Apologia So-
cratis.
Act 5. 29.
Rev. 22. 18.

VI. The Christian Religion, which proceeded from God indeed, may well be expected then to proceed upon these only rational grounds. The commands of God and men are always oppos'd (as to matters of Faith) in the New Testament. We are bid to call no man Master upon Earth; and (that which Divine Plato also taught in express termes) To obey God rather than men. And they are cursed, and devoted, who adde to the Canon of the New Testament. And the like things, obvious to consideration, might be farther said; but they need not be here recited.

19.
Mahomet's
Pre script da-
ted also from
God.

VII. And lastly: The like we shall find also concerning *Mahomet*; That, as we said, the Heathens feigned the Divine Original of their Religion, and derived many Rites of it from *Moses*, as to the matter of them: so hath he also feigned the same Original of his, and derived many Rites of it, both from the *Heathens*, and *Moses*, and *Christ*. He feigned converses with God and his Angel *Gabriel*, and the holy Ghost in the form of a Pigeon, dictating into his Ear the Law of his *Alcoran*. He pretended the amendment and restoration of many Doctrines, both of *Moses* and *Christ*, which he said, since their times, had been corrupted: He pitch'd upon many things, as being *Media Licitæ*, and indifferent in their own nature, and which were controverted amongst Christians; and partly practised, and partly tolerated by *Moses* his Law, and by the *Greeks*, and the old Civil Law of the *Romans*; such as Polygamy, Circumcision,

Vide passim in
Alcorano.

Vide ibid. Azor
ara 9.

D. De Peni-
one haredina.
in. L. Ancilla.

rum etiam. ¶
Sed inquit Ul-
pianus, Nam
et in multorum
honestiorum
præditi Lupa-
naria exercen-
tur, &c. Et vid.
Plot. De Rep.
et De Legib.
&c. Et Alco-
ran. lib. 4. c. 9.

choice of meates; and other Doctrines, and Sacred Rites, and Cere-
monies. And in these he pretended his reduction to the Primitive
appointment of God; as if many of these things had been altered,
and corrupted, and otherwise constituted by *Moses*, and *Christ*, in
their times. Thus then the universal consent of Nations, and all
Divine and Humane Lawes have established it; That all Precepts
and prescripts of Religion are to be expected only from God, and
his divine Authority. *But because the Divine Original of Religi-
on, in the general, and under it's different Notions, is not only to be
asserted in relation to the treating of an Ecclesiastical Uniformity,
and the Rights belonging to it; but also that a more special respect
is to be had to the true Religion, both by all mixtly, that they may
take heed of violating the consistency of it with Government; and
also by the chief Magistrate in particular, and eminently, that he
may take care for the settling of it as the National Religion in his
Society. And because we shall have many occasions hereafter in
our following discourse of referring to the distinction of Religion
into true and false; Therefore we will here proceed a little farther
in relation to these things, and lay down the general grounds of
all Religions, and compare them.

Two only
sorts of Pre-
cepts of Reli-
gion.

VIII. There are then two only sorts of Precepts, of which any
Religion can consist. 1. *Natural*. 2. *Positive*. For this is a com-
pleat distribution of the Divine Laws into these two sorts. 1. The
Natural it must needs consist of; because God the Author of Hu-
mane Nature is supposed to approve of the dictates of it. And the
Law of Nature in the General is implanted in all Creatures for
their good; and that they might be governed by it. And so *Ul-
pian* describes it, *Jus Naturale est quod natura omnia animalia do-
cuit: Nam jus istud non solum humano generi proprium est, sed &
omnium animalium, quæ in terra, aut in Mari nascuntur.* That the
Natural Law is that which nature hath taught all living Creatures:
for that Law is not only proper to mankind, but is the Law of all li-
ving Creatures, which are generated and bred, either in the Earth, or
in the Sea. And therefore for man not to be governed by it,
would be against the whole order of the Creation; and it should
be planted by God in him in vaine. 2. The positive Divine Laws
proceed from God's Supream Sovereignty over man; And that,
Primarily, as he is Creator; and by which Sovereignty he is at liber-
ty to command him any thing else also, besides the Law of his
Nature, in those *Mediis Licitis*, which I mentioned upon another
account just now.

D. De Justit.
& jure. L. Hu-
jur, ¶ Jus na-
turale.

What the true
prescript of
Religion is, is
to be known
only from Di-
vine Revela-
tion; and that
Authoriz'd
by Divine
Testimony.

IX. What that Prescript of Divine Precepts is, which God hath
so appointed to men for their Religion, especially as to the Posi-
tive sort of them, is to be known only from Divine Revelation:
and that because the perfect and original light of Nature in man
is in a great part lost and darkened; and till the Pattern of it be
shewed

shewed him again (and that either by special grace, or else ordinarily by a Prescript of Religion delivered from Heaven in common to all) he doth but as it were more obscurely in many things groap after it. And the will of God in Positives is secret only to himself; and no Creature hath any such Intuition into the Divine Essence, as to know it, till revealed: and that Revelation of it also from Heaven must be witnessed to by peculiar Divine testimony, or else it cannot be known to man to be such; and if not so known, it cannot rationally be received by him.

X. Divine Testimony in the general, consists in the exhibiting of supernatural operations: which, because supernatural, are only proper to God; and his Supernatural operations proceed severally from his Attributes; and that Religion which consists only of the Precepts of the Law of Nature, and the *Media Licita* for it's positive commands; and the Revelation of which from Heaven he hath in a peculiar and particular manner witnessed to as such, by such supernatural operations; it ought to be received by man, and he is oblig'd to God, as Creator and Governour of the World, to observe, and practise the precepts of it. God hath not revealed from Heaven, that he hath committed it to any man or Angel to appoint for Religion what shall seem right to him, or he shall think fit: But he hath left every particular precept whatsoever to be expected only ultimately from himself.

In what Divine Testimony consists; and how the Revelation of the true prescript of Religion is to be known from it.

XI. The Essential Attributes of God are all those infinite perfections which we ascribe to him, and to deny the Creatures: The operation of them, being any wayes present, can be discerned by us only *à posteriori*, and from the effect of them; and not otherwise, and *à priori*; because we have not such intimate Cognizance of the nature of God as so farre to discern them. *Neque est definitio Dei, neque demonstratio, nisi per effectum*, sayes Aquinas; That there is neither any definition, nor demonstration of God, but by the effect. The effects of the Divine Attributes then are discerned, either mediately, or immediatly: and there are only two of those Attributes, the operations of which we are able so far to distinguish as to discern them immediatly from their effects mentioned; and those are the Omniscieny, and Omnipotency of God; and the effect of them are miracles, and ordinarily Prophecie, or prediction of things to come, or sometimes any the like knowledge, and Revelation of secrets, equivalent to it: and the effects of the other Divine Attributes, as such, are not discern'd but mediately (*i.e.*) by the Testimony of these two, being present to them, wheresoever is their operation.

One discerning the operation of Gods Attributes distinguished. *Prima Quest. 3. Art. 5. in conclus.*

XII. * The operation of all these Attributes of God (as all other Acts of Creatures, which are in time) either is *in presenti*, or hath been *in praterito*, or else is to be *in futuro*. In *presenti*, it gives present Testimony to any thing being from God;

*The Properties of the operation of these Attributes of Gods; and particularly of his omniscieny, and Omnipotency; and of Tradition in relation to the effects of them.

as in present Miracles, Prediction or Propheſie, in the firſt utterance of it, atteſted to by ſuch Miracles, as to matters of Religion. *In futuro*, it is intended to give future teſtimony by the effect of it concerning any Creature, as in propheſie in the event. And that which hath been *in praterito*, ſtands upon Record : and the onely conſervatrix of the memory of it, and deliverer of it down to future ages is tradition. Which tradition, if it hath theſe two properties :

1. That it be true in the fountain, and firſt ſpring-head of things.

2. That it be continued, and un-interrupted in the ſtream of the relation of them down to us, then it is as infallible a conſervatrix of former Records (though for many ages together) as if ſo many men ſtanding all in a row did deliver thoſe Records from hand to hand, immediately one to another.

XIII. Theſe things then being ſaid, from hence it is, that theſe three things, (*viz.*) Miracles and Propheſie, or Prediction, ordinarily have been laid down, by the conſent of all Nations, and of God himſelf (as we mentioned juſt now concerning the Divine Inſtitution of Religion) as the great and primary Divine Teſtimonies to all Religion in the world whatſoever. And the third of them (*viz.*) Tradition, as the inſtrument for the conveyance of the memory of them down to future ages. And having then here alſo assigned the Reaſons juſt now mentioned, for theſe things from Nature; Let us come to the inſtancing in the conſent of Nations, and of God himſelf alſo, as ſo approving of them : and that in the ſame order and manner, as formerly, concerning the Divine Inſtitution of Religion in the General.

* XIV. Firſt of all then, as to the Preſcript of Religion deliver'd by God to *Moses*. The primary Divine Teſtimonies of it, as ſuch, have been from theſe things. The ſecondary have been from the other effects of the other *Attributes* of God. And Tradition hath been accordingly made uſe of, in relation to them both; as we have mentioned. We will inſtance in all the three particularly.

1. Propheſie. The Old Teſtament Prophets are famously known : ^a *Moses*, and ^b *Samuel*, and ^c *David*, and ^d *Nathan*, and ^e *Gad*, ^f *Elias*, and ^g *Elizens*, and ^h *Micha*, and ⁱ *Jonah*, and ^k *Hoſea*, and ^l *Joel*; and ſo alſo the Prophetesses, ^a *Miriam*, ^b *Deborah*, and ^c *Huldab*, and all along till ^a *Malachi*, the laſt of theſe Prophets, about Four Hundred years before *Chriſt*, in whom the gift of Propheſie ceaſed, and that in order to the appearance of *Chriſt* in the world; as the morning-ſtar diſappears at the approach of the Sun. And all theſe they called in *Iſrael*, Seers, from their Prophetick Viſions, and fore-ſights of things to come : and they were * anointed to their Prophetical Office, and had † Colledges, and places of nurture for young men, whom they called Sons of the Prophets, that by their Vertuous and Religious Education they might

The operations of Gods Omniſciency, and Omnipotency, the onely primary divine teſtimonies to matters of Religion; and tradition the onely inſtrument for the conveyance of the memory of them, and the doctrines of Religion down to future ages; and the conſent of Nations, &c. of God himſelf about theſe things.

* So in *Moses* his Law.

o) *Floruit* cir. ca. *An. mundi*, 2460.

b) *cir.* an. 2840

c) *cir.* an. 2900

d) *cir.* an. 2900

e) *cir.* an. 2900

f) *cir.* an. 3000

g) *cir.* an. 3040

h) *cir.* an. 3040

i) *cir.* an. 3110

k) *cir.* an. 3120

a) *Floruit*.

Cir. An. 2460

b) *cir.* an. 2610

might there be prepared for the receiving the Spirit of Propheſie; and Gods revelation of himſelf to theſe Prophets, by Dreams and Viſions, and voices from Heaven, and the like, is ſufficiently known.

2. * The like is to be ſaid as to Miracles, which we here diſtinguiſh from Propheſie, although otherwiſe Propheſie be one ſort of Miracle. And the miracles of theſe Prophets, as atteſting to the Preſcript of *Moses*, are as ſufficiently known alſo. Firſt of all, the miracles of *Moses* himſelf, by which he out-did the Magicians, and which the Jews ſay, he wrought in the ſight of ſix hundred thouſand men of *Israel*. And ſo of *Elijah*, and *Eliſha*, and others. And in *Chriſts* time, the Jews asked, what ſign ſhew'ſt thou then, that we might ſee, and believe thee? Our Fathers did eat Manna in the Deſert, *Jo.* 6. 30, 31. and again *Jo.* 9. 28. Thou art his Diſciple, but we are *Moses* his Diſciples: Now we know that God ſpake unto *Moses*, &c. And *Maimonides* ſaith of him, *Moses* our Maſter, *Israel* believed not in him, becauſe of the ſigns which he did; for he that believeth becauſe of ſigns, there is in his heart a ſuſpition that the ſign may poſſibly be done by Inchantment, or Sorcery. But all the ſigns which *Moses* did in the *Wilderneſs*, he did them upon neceſſity, &c. We needed Food, he brought us down Manna; they were a thirſt, he clave the Rock for them; the Congregation of *Corah* roſe up againſt him, the Earth ſwallowed them up; and ſo all his other Miracles. But notwithstanding this, wherefore believed we him? For that ſtanding at the Mount *Sinai*, which our own eyes did ſee, and not a ſtranger, and our own ears did hear, and not another, the Fire, the Thunders, the Lightnings, &c. So that thus were the Propheſies and Miracles teſtimonial to *Moses* his Law. And theſe things are pleaded alſo as ſuch by God himſelf; ſo his Miracles: ſee *Exod.* 4. 20. and 8. 22. and 16. 33, 34, 35. and *Dent.* 4. 11, 13, and 34. 10, 11, &c. And ſo the Propheſies, *Iſa.* 41. 23, 24, 25, 26. ſhew the things that are to come hereafter, that we may know that ye are Gods, &c. And *Iſa.* 45. 21, &c. and there is a ſpecial caution given to *Israel* by *Moses* his Law concerning theſe things, in relation to the Idolatry of the Gentiles, that they might never be drawn away to it, *Dent.* 13. 1, 2, 3, &c. If there ariſe amongſt you a Prophet, or a Dreamer of Dreams, and giveth thee a ſign or a wonder, and the ſign or the wonder come to paſs, whereof he ſpake unto thee, ſaying, Let us go after other Gods, which thou haſt not known, and let us ſerve them: Thou ſhalt not hearken unto the words of that Prophet, or Dreamer of Dreams, for the Lord your God proveth you. And *Maimony* ſaith, If there ſtand up a Prophet, and he doth great ſigns and wonders, and endeavours to contradict the Propheſie of *Moses*, we may not attend to him: But we are ſure that thoſe ſigns are by enchantment and Sorcery. For the Propheſie of *Moses* was not by ſigns, &c. But we beheld with our own eyes, and heard with our own

c) cir. an. 3320

a) Floruit.

cir. An. 3544

b) Natus Chri.

ſtus cir. an.

3948.

Vide Joſeph.

Antiqu. Judaic.

&c. Helvici

Thea. Chronolo.

gie. &c.

* Vid. 1 Kings

19. 16.

Pſalm 4. 19.

Iſa. 61. 1.

Ø. I.

† 2 King. 22. 14

* In Miſh. in

Jefudei hato-

rah. chap. 8.

Ibid. Tom in

Jefude hutorah.

Chap. 8. Sect. 4

ears, &c. So that thus it is, concerning both these sorts of primary testimonials to the Law of *Moses* : and that Law was compounded only of the Laws of Nature, and the *Media Licitæ* for its positive Precepts. And God testified also to it as such, and as accompanied with these Prophecies, in the first utterance of them, in an eminent and peculiar way : and that both by his affording Miracles to it strictly as testimonial, and also by his out-doing the Magicians by them, and also by his affording such eminently apparent Miracles, as were not amongst the Heathen ; and as hath been already mentioned.

3. The like is to be said also concerning Tradition, as the only instrument for the conveying these things down to future ages. In confidence of which it is well known that the Easterly Jewes, in *Greece*, and other places where they are permitted at this day, speak of Father *Abraham*, and Mother *Sarah*, and the like, as familiarly as if they were at present living amongst them. This is it by which they boast, that they have conserved the Cannon of the Old Testament, *ad punctumculam usq;* even to the very least point, and letter in the Original. This is it by which the Oral Law also, they say, hath been preserved : And God himself also made use of it, for the preserving the Pot of Manna, (*Exod. 16. 22.*) and the tables of the testimony themselves (*Exod. 25. 16, and 21.*) in the Ark. And the cessation both of Prophecies and Miracles in the latter ages of the Jewish Church, was an argument, that he would have the memory of them, as having been formerly acted, conveyed down by tradition. And the Jews have a famous saying concerning the tradition of their Law, and all these and other things belonging to it; *Moses accepit legem in Monte Sinai, & tradidit eam Josue, & Josua senioribus, & seniores Prophetis, Prophetæ deniq; eam tradiderunt viris Sinagoge Magnæ : That Moses received the Law in Mount Sinai, and delivered it to Joshua, and Joshua to the Elders, and the Elders to the Prophets; and last of all the Prophets delivered it to the men of the great Synagogue.* And they name the several successions of it, from hand to hand, also by Tradition : Thus they for these three fundamental matters in Relation to *Moses* his Law.

Pirkeboth
Cap. 1. *Vid. &*
vid. Maimo-
nid, in prefati-
onē ad Commē-
tarium suum ad
Mischnam.

So the Hea-
thens.

XV. Let us go on to the like use of them by the Heathens.

1. Prophecie. So both amongst the *Greeks* and *Romans*, in both their ages of Empire ; they had their Prophetick Dreams, Voices, Visions, and the like, as amongst the Hebrews, in use for this end : Such are those which are mentioned by *Homer*, *Xenophon*, and others :

— Kai γὰρ τ' ὄραp ἐκ Διὸς ἐστίν;

Iliad. 1.
Ἀποκριν. α.
in princip. Pro.
p. 33.

Sayes *Homer*, that a dream was from *Jupiter* : and *Xenophon* mentions the interpretation of those dreams, and so *Eschylus* and others : And the like things also are celebrated amongst the *Romans*. And so

Rom. I. 18. ad
finem.

Lib. de Divi-
natione Demo-
nium, &c.

Supra, Sect. 5.

Ibid.

Edw. 1. 1. 1. 1. 1.
Tir. 1. 1. 1. 1. 1.

Cap. 6. Act in
Verr.

50 Mahomet.

De Orig. Imper.
Turc. Cap. de
mirac. Macho-
meti, &c.

rise of Polytheisme, and such like things, (the several gross and foul Tenents of their Religion) then they did. And the like, says St. *Augustine*, and the other ordinary writings of Divines.

3. Let us come then to the tradition of these things, and as re- ly'd upon for the delivery of them down to future ages. I have mentioned the *Tria genera tradita* from the *Pontifex Scævola*, and *Varro* out of St. *Augustine*; and the Prescripts of worship descend- ing to the *Greeks*, by ancient Fame, out of *Plato*. And

Οὐδὲν ἀποκρύπτειν οὐδὲν ἀπαρτύνειν
Πατρὸς παραδόξας, ἀλλὰ δὲ καθάπερ ἔχοντες
κακῶς, ἰδίᾳ αὐτῶν καταβάντες λόγους.

We do not feign any thing cunningly concerning the Gods :

Our Father's Traditions, which, coetaneous with us, a long time

We preserve, those nothing whatsoever shall subvert.

Says *Enripides*. And, *Omnes Religione moventur, & Deos Patrios, quos a majoribus acceperunt, colendos sibi diligenter, & retinendos arbitrantur*, says *Cicero* : That all are moved with Religion, and do think that their Country Gods, whom they have received to be such from their Ancestors, are to be worshipped, and carefully to be retained. And how the *Diî Patrii*, the Gods of their Country; and the *Instituta Majorum*, or Religious Precepts received from their Ancestors, and the like, are celebrated up and down in the Greek and Roman Writings, who is there that knows not? So then thus the Heathens in relation to these things.

XVI. The like will be said also (briefly) of the late Imposter Mahomet.

1. As to his pretended Prophecies, concerning those great matters of the Day of Judgment, and his second coming in it, of the Carnal Paradise, and the like other matters, up and down in the *Alcoran* : and as he stileth himself to be, so his followers stile him to be at this day, *Karî* *î* *î*, and by way of Eminency, in respect to all others, the great Prophet, who was to come into the World; and that both in the stricter notion of Prophecie, in respect to his Predictions, as well as in a larger, in respect to his teaching to them their Law of God.

2. As to his Miracles, it is said he was a Magician; yet we hear little of his particular Miracles. There is a slight relation of some said to be done by him, given by *Georgieviz*, *Leunclavius*, and others; and of the like said to be done by some of his followers : But

But he had things in the place of eminent appearances of God with him; such as his Dove at his Ear, his falling sickness Trances, and the like. Indeed, in the *Alcoran*, he sometimes excuseth the want of Miracles, and sayes, *Why should men look for Miracles? I am only the Messenger, to deliver the Law of God to them:* And then he sayes, he hath wrought enough to convince men. And indeed, in fine, he swears Oathes enough to stand in the place of all: He swears by things visible, and invisible; by the *East*, and *West*; Winds, and Clouds, and Sea, and Starrs, and Angels, *Se Dei Nuncium, non Magum, That he is the Messenger of God, and no Magician*; and the like other things might be recited.

Inpandect Hist Turc.
Et in Annali- bus Turcic. cap. de Osmani nat. vitar. &c.
Vid. Alcoran. Azora. 3. 14. 10 &c.
Vid. Alcoran. Azora. 3. 14. 30. &c.
Vid. Passim in Alcorano.

3. So also as to Tradition. The Original Copy of the *Mahometan* Law is said to be kept in the *Chief Musti's* Custody. It is accounted prophane; so much as to touch it with common hands. And Tradition is the thing rely'd upon, for the delivery of it at first by God to *Mahomet*; as is alleadged; and for it's continued uncorruptedness in the precepts of it to this very day.

XVII. In the fourth and last place; let us come last of all to the consent of the Christian Religion to these things (as was mentioned concerning *Moses* his Law) and to the assertion of the truth of it also from them; and that

So also in the Law of Christ; And the Christian Religion asserted from it. And that also with a special respect to an Ecclesiastical Uniformity.
Vid. Sect. 12.

1. For Prophecie (*viz.*) as attesting to it; and that in a peculiar manner; and in it, it excell'd all other Religions, and had greater evidence of Divine Testimony from it then they had. The Law of *Moses* had chiefly Predictions or Prophecies in the Original, and first delivery of them, attesting to it: And which, as such (as I have mentioned) were but a secondary Divine Testimony, and not credible any further then as attested to by Miracles. But the Christian Religion had all the Prophecies concerning the Incarnation of *Christ*, and other * Principal things fulfilled actually, and in the event testifying to it. So it excelled all the pretended Prophecies of the Heathens, which were either dark and dubious, and interpretable either way, according as the event fell out (such as their Responses of Oracles for the most part were); or else they were concerning things near hand, and which might be foretold, either by Logical conclusions, made by cunning men, concerning the consequences of them; or else by Præ-sentiments in Nature (such as the *Platonists*, and others, who write of Prophetick Euthusiasm, mention) and from the influence of Natural Causes on it; or else those Prophecies might be much more from the sapience and vast experience of evil Angels in humane affairs. And so also it excell'd *Mahomet's* religion; if he alleadg himself to be prophesied of, either by *Moses*, or *Christ*; the Books neither of the Old nor New Testament, that were any where extant at his appearing in the World, did testifie any such thing. If he say, they had been corrupted; neither was there any thing of it in the writings of either

* *De Jud. & Christum rejici- entibus. vid. Mark. 21. 33. Et in sequent. Et cap. 22. in princip. Et Luk. 15. 11. &c.*
De extraneis eun. Ang. lecten- tibus. vid. Mat. 8. 2. Matth. 12. 21. Matth. 21. 43. &c. De obli- dione & ruina Jerusalem & Templi. vid. Matth. 23. 38. Luc. 13. 34. Et alibi & sic & ceteris.

Jewes or *Christians*; neither was there any fame of any such thing ever heard of amongst them: Especially the Christian Religion having been of no elder date then about six hundred years before him; and for the most part of that time also, its professors having been under the dint of Persecution; and so there being little likelihood that they either should have had opportunity of corrupting, in so great a measure, the Law of *Christ* concerning his coming, in so little time; or else should have been at leisure, or in a disposition of mind to do it, under such persecution. And last of all, what end can it possibly be supposed, they should have had in the doing of it? The like also is to be said of his own personal Prophecies of the day of Judgment, and his second Coming, &c. after a thousand years; and how much the Prophecies of the Christian Religion excelled them. Which Prophecies of his how well they have been fulfill'd, the event shewes; For lately the time being expired, his second Coming was very seriously look'd for: and the people, seeing themselves gull'd, began to stagger; till the *Musti* assured them that the figures were mistaken, and that it was two thousand in the Original. And the Grand *Sophi* of *Persia* till then, kept his eldest Daughter a Virgin, and a horse ready in his Stable for him; which after that he dismissed. So that thus have been, either the pretended, or real prophecies, attesting to other Prescripts of Religion; but not so those attesting to the Christian. It hath been attested to by Prophetick Heathens; as is evident from the writings of the *Sybills*, and others: And as was shewed to St. *Augustine* by *Flavianus*, from the writings of *Sybilla Erythraea* (or as others *Cumana*) in which was found that verse,

'Inūs xpusds, Osū vīds, Somp,

Jesus Christ, the Son of God, the Saviour. And so it hath been attested to also by the Prophets of *Israel*. And all their Prophecies also have been fulfilled, in the person of *Christ* in the event: and that purely providentially, and by such wayes as could not be suspected of Imposture. So some were fulfilled in others, in relation to his person; as the coming of *John the Baptist*, *Judas* his betraying him, his Disciples forsaking him in the night of his arraignment, &c. So some also were fulfilled in himself, which 'twas impossible for any man or Angel to bring to effect; as his Resurrection and Ascension. So some by others, before he was of any Age, or capable of dissembling them; as his being born at *Bethlehem of Judea*, his coming out of *Egypt*, &c. Nay, some by persons, who were not capable of being suborned by any man; as the little children saluting him with *Hosanna*. Nay, some by the *Jewes* themselves, the utter enemies of his being the *Messias*; and that at unawares; as their giving thirty peeces of Silver for him, their not breaking his Legs on

Mr. *Herbert*, in
his Travels
into *Persia*.
pag. 159.

De civitate,
Dei, Lib. 18. c.
23.

Matth. 3.3.
Joh. 13.18.
Matth. 26.31.
56. &c.
Acts 2.24, 25,
26, 27.
Mark. 12.36.
Eph. 4.8.
Matth. 2.5, 6.
Matth. 2.15.
Matth. 21.16.
Matth. 27.9,
10.
Joh. 19.36.

on the Cross, their dividing his Garments amongst them. So that this Propheſie in the event, atteſted eminently to the Chriſtian Religion. And the *Jewes* themſelves alſo expected their *Mefſias* about this time of Chriſts coming into the World, notwithstanding their rejecting him. Joh. 19. 24.

2. In the like manner alſo did the Chriſtian Religion excel in Miracles. *Mofes* derived his power of working them from God; but *Chriſt* wrought them as God, and in his own name. *Mofes* dyed the common death of all men; but *Chriſt* roſe again, and aſcended into Heaven. So in the Star, created on purpoſe, ſayes *Tycho*, and others, to lead to his Birth: So alſo in his being born of a Virgin; and other the like things. So alſo he excell'd the Heathen, and all their pretended Miracles; and that, remarkably, in his ſilencing their Oracles, the great pillars and ſupports of the *Gentile* Religion, and in other things. So alſo he excell'd *Mahomet*; who did not ſo much as pretend the working of many Miracles; as is ſaid; but that he was to come with Armes, for the Propagation of his Preſcript of Religion. And theſe Miracles alſo, and the power of working them, *Chriſt* left to his followers; His Diſciples, being illiterate men, ſpake with Tongues, uttered the moſt aſſured Precepts of the Law of Nature; and ſuch as the profoundeſt Heathens had before been famed for, and the like. And their followers, in the ſucceeding ages, appealed to all the world, to behold the Miracles accompanying them; and that continuedly, for many Centuries and Ages together. Supra. Sect. 16.
Vid. Alcoran. 1.
Azoara 3. 14.
17. 30.

3. And laſtly. The Tradition of all theſe things hath been. 1. True in the root, and Spring-head of them. 2. Uninterrupted in the ſtream, and derivation of them alſo down all along the Ages of the Chriſtian Church. There is no way for the proof, and evidencing of things amongst men, but by the Teſtimony of witneſſes; which was the laſt way preſcribed by *Mofes* his Law, and is by all Lawes of Countries in the world. And the Roman Civil Law requires, that they be *fide digni* (i. e.) that they be *Intelligent*, and *honest*: and ſo alſo all other Lawes; which is an Argument, that, if they be ſo, it is as much as can be deſired. Vid. P. De fide
Instrumento-
rum. De Teſti-
bus, &c.

And ſuch witneſſes hath the Tradition of theſe primary Evidences of the Truth of the Chriſtian Religion had atteſting to it: And that in both it's Capacities of that Tradition mention'd. It hath had the Teſtimonies both of Enemies, and Friends.

1. Of Enemies. Such is that of *Joſephus*, concerning Chriſt. About the ſame time, ſayes he, was *Jeſus*, a man of Sapience, and wiſdome; if indeed it be lawful to call him a man; for he was a doer of wonderful works, and a teacher of thoſe who would willingly receive the truth; and he had very many followers both of the *Jewes*, and *Gentiles*. Such alſo is that of *Pontius Pilate* himſelf (as was before mention'd) who is ſaid to have ſent word to *Tiberius* of his Miracles: Antiq. Judaic.
Lib. 18. cap. 4.
Supra. Sect. 5.
Et apud Suetonium, Tertul-
lian, & Euseb. ut prius.

Info-

Apud Euseb.
preparationis
Evang. Lib.
5. Cap. 1.

Apud Origen.

Apud Cyrillum,
&c.

Adversus he-
reses, Lib. 2.
Cap. 51. & flo-
ruit circa Ann.
Christi, 180.

Contra Celsum,
Lib. 2. Paulo
post princip. &
floruit circa
Ann. Christi.
220.

Ibid.

Adversus Vigi-
lantium, in prin-
cip. & floruit
circa Ann. Chri-
sti. 390.

Ibid.

Ibid.

Infomuch that *Tiberius* would have had the Senate of *Rome* to have enrolled him amongst their Gods. Such also is that of *Porphyrie*; *Ἰνὸς τιμωρ*, &c. That, from the time that *Jesus* began to be worshipped, none did partake of any publick help from the Gods. And the like acknowledgements there are of *Celsus*, and *Julian*, and other enemies of Christianity.

2. Of Friends, and those every wayes worthy of belief: Such were *Sergius Paulus*, and *Dionisius* the *Areopagite*, and many of the followers of *Christ*, mentioned in the Scripture it self. Such were also many of the Primitive Martyrs, and the Grand Doctors and Fathers of the Christian Church, down all along the Centuries. So *Irenæus* in his time; *Si autem Dominum phantasmata hujusmodi fecisse dicunt, &c.* But if they say that the Lord did these things by false appearances, says he, We will reduce them to the Writings of the Prophets, and show plainly out of them, that all things were so foretold by God, and that he was the only Son of God; Wherefore also in his Name, those who are his true Disciples, receiving Grace from him, do the like things to the benefit of the rest of men, even as every one hath received the gift from him: For some cast out devils most assuredly, and truly; others also have the fore knowledge of things to come, and Visions, and utterings of Prophecies; and others by the laying on of hands, do cure those who have laboured with infirmities, and restore them to health; and even at this day also, as we have said, the dead have arisen, and continued among us for many years. So also says *Origen*, in his time, speaking of *Celsus*, *Cum & Jesu virtutes extenuaret, Magicis illas præstigiis editas olim affirmans; quod vero virtutes, & mira de se ederet Jesus utcumq; admit- tens: That when he did extenuate the Miracles of Christ, affirming them to be wrought by Art of Magick heretofore; but yet however admitting, that Jesus did work miracles, and many wonderful things concerning himself: And afterwards, Cumq; Pheleon, in decimo ter- tio, vel decimo quarto (ut Arbitror) annalium, libro vel futurorum quo- rundam prænotionem deiulit Christo; cum de Petro confusus pleraq; & de Christo edisserit, & plane testificatus, pro hujus prædictioni- bus, & res occurrisset: And that when Pheleon, in his thirteenth, or as I think, fourteenth Book of his Annals, attributed to Christ the fore-knowledge of certain things to come; when he had discoursed many things more confusedly concerning Peter, and Christ, and plain- ly testifying, that also things came to pass according to his predi- ctions. And so *St. Jerom* also, in his time, affirms the Miracles done at *Martyns Tombs*, and bids *Vigilantius*, Sed responde, quomodo in vilissimo pulvere & favilla, nescio qua, tanta sit signorum, virtu- tumq; presentia? But Answer, how can there be so great a presence of signs and wonders in some most contemptible dust, and I know not what ashes of the dead? And after he recites *Porphyrie* and *Euno- mius* calling them *Præstigias Dæmonum*, Deceits of Devils; and says he*

he to *Vigilantius*, *Spiritus iste immundus, quo hæc te cogit scribere, sæpe hoc vilissimo tortus est pulvere, immo hodieq; torquetur* : That unclean spirit, which compells thee to write these things, hath been often tormented by this most vile dust, nay, and even at this day is tormented. And the like many other things might be recited out of the Primitive and latter writings of the Christian Church, which are every where full of these Testimonies : But we intend not here a justification of the Christian Religion at large, but only a recital of these things, so far forth as belongs to our present occasion : So much then for the Christian Religion, also its excelling all other in the having had these primary Divine Testimonies annexed to it, as such; and that also thus in a most peculiar way, by God; and the Precepts of it consisting eminently, and only of the pure Laws of Nature, in the mean time; and it having none but the *Media Licita*, for its Positives, as was said above of the Law of *Moses* : So then the Christian Religion is it, the consistency of which with Government men ought to have a special respect to, that they do not violate it; and which ought by every Chief Magistrate, and his Laws of an Ecclesiastical Uniformity, to be settled as the National Religion in every Society.

XVIII. Last of all then, we conclude all with this, That our Proposition here thus first asserted, (*Viz:*) *That Religion is necessarily appointed by God, and none else*, is the sense of all Nations present in the world, as well as that it hath been so of those heretofore. And if it be not such a common confession, and supposition amongst them; then what mean the mutual objections of Errour, Superstition, will-worship, &c. to be so vulgar in matters of Religion, every where amongst men? What mean also the so much adored names of Truth, Divine authority, the Will of God, and the like, to be the *Helenaes* that men contend for? Truly these things will sufficiently evince the derivation of Religion only from divine authority, to be still held as a common principle amongst men.

The Universal consent of nations about it also at this day (*viz*) that Religion is appointed by God.

CHAP. III.

The second Proposition asserted, (*viz.*) *That Government also is appointed by God* : The Question concerning the derivation of it from the *People*; and the consequent doctrine of *Rising in Armes*, in case of Male Administration; and particularly in defence of *Religion*, and the matters of an *Ecclesiastical Uniformity* stated; and of the tendency of those Doctrines to the hurt of *Religion*, and *Humane Society*.

I. **T**He causes of the want of Records in the world assigned.

II. The first state of men, and the several ways of their coming together into Societies.

III. Whence the necessity of Laws and Government.

IV. The wayes by which men have arriv'd at Government.

V. The first and capital distinction of Government amongst men.

VI. The distinctions also of consent given to Government.

VII. That the present lawfull Government is from God, proved in the general; and

concerning the Church Government in particular.

VIII. The two Constitutive causes, assigned, from whence the Civil Power is said to be deriv'd, in the controversie concerning it.

IX. The state of the Question concerning the derivation of the Civil Power from the People.

X. The grand principle of Natural freedom refuted.

XI. The other propositions concerning the power of Magistracy fundamentally in the People; and in the state of the Question considered.

XII. The state of the Question, on the Peoples part, con-

considered also from its effects.

XIII. Last of all, the principle of Rising in Armes, particularly in defence of Religion, and the matters of an Ecclesiastical Uniformity, refuted.

XIV. The proof of the Affirmative part of the Question, that the Magistrates Power is from God; And that,

XV. First, from Scripture.

XVI. Secondly, from the voice of Nature and Nations.

XVII. The tendency of the negative part of the Question

on to the good of Religion, and Humane Society, disputed.

XVIII. That it doth not tend to the good of it, proved: First, from Gods having stated it otherwise in Scripture.


XIX. From the consent of the Civil Laws of Countries.

XX. From a comparison of things on both parts.

XXI. From another Comparison.

XXII. From another more particular comparison.

XXIII. The General Conclusion.

I.  LL Effects under the Sun proceed ordinarily from Natural Causes: And that is evident from hence, because Miracles are but seldome: and the difference betwixt Miracles and ordinary Effects is, That the one proceeds from a Natural Cause as such, and the other from a Supernatural in like manner. The natural and ordinary causes of the defects of Records and Histories of former ages amongst men have been many; and they either more general, or more particular. The greater and more general *Plato* assigns to have been necessarily, either from Conflagrations by Fire, or Inundations by Water. *Πολλά, καὶ ἄγαν πολλά φθογαὶ γενήσονται ἀνθρώπων, καὶ ἑσονται*, says he, *ὅτι καὶ ὁ θεὸς μέγιστος, &c.* There have been, and will be many and diverse destructions of men; and there is a necessity that the greatest should happen by Fire and Water: Which is therefore true, because there are none other things in the world, which can possibly, and ordinarily, be the causes of such destructions, but the Elements; and of them there are none other, from which such a general Destruction, both of the persons and writings of men can proceed, but these two of Fire and Water: and both these, both Conflagrations and Inundations, proceed either from natural causes, as such purely, or from Gods special appointment co-operating with them. As to Gods special appointment, such was the General Inundation in the time of *Noah*, mentioned

The causes of the want of Records in the world.

In *Timæo*, cited princip.

De legib. Dial.
3. in princip.

Epist. of Jude
vers. 14, 15.

In Timæo. ibid.

In Timæo. ib.
Et de legib. ib.

Gen. 19. 4.

Vid. Musculum
in loc. Et alios.

Disputationum
Lib. 2. Cap. 5.

Apud Orosium,
Cedrenum, &c.

De Civ. Dei.
Lib. 10. Cap. 10.

a) Vid. D. in pro-
amio. Et C. de
vetere Jure
Enucleando,
&c.

b) Et vid. C. de
summa Trini-
tate. l. sancimus
igitur, &c.

c) Et Novel. 42
De officina,
five Tab. Con-
stantinop.
Cap. 1. &c.

tioned in the History of *Moses*, and pointed at by *Plato*; and the fame of which was amongst the ancients, and hath been found of later dayes remaining in many Countries. Such also will be the general Conflagration at the last day, prophesied of, of old, by *Enoch*, and so often mentioned in the New Testament, as also in the writings of the *Sybil*s, and *Lucan* the Poet, and other Heathens. And as to the proceeding of such more general desolations from purely natural causes, *Plato* says, that it comes to pass once, after some long period, and return of years, That the Heavens and their Rotations come to such a position, in respect to one another, as that it is necessary for some vast and more general Conflagration to follow from it. And the like may be said of Inundation. And from hence the Fable of *Phaeton*'s burning the world, by the fall of the Chariot of the Sun, and the like. And there is no doubt but that, considering the vastness of the Heavenly bodies, in respect to the Earth, either such Conflagrations or Inundations may follow from them. The more particular causes of the like Destructions of Records, and Desolations of humane affairs, *Plato* sayes also, have been many; *Μυθοι δ' ἄλλοι τινες γεγονέναι*; That such have hapned by a thousand other causes: And they have been also of the same sorts as the former. Such as the Conflagration of *Sodom*, proceeding from the special appointment of God; concerning which some of the *Greeks* and *Romans* have said, That it sprang from the sulphury vapours of the Earth, drawn up by the Sun; of which kind of matter the parts of that Country were full. Which things may consist well enough, although the denial of Gods special appointment, as co-operating with those causes in Nature, is rightly taxed by Interpreters. Such have been also the divers Wars, and Earthquakes, &c. says *Plato*. And *Machiavil* (learned in all humane affairs, except in the neglect of a Deity) assigns, for the like causes, the change of Religions and Languages, the several Famines and Pestilences, and especially Floods, that have been in the World: and that these things are true also, the many instances that may be given concerning them will evince. Such were *Ogyges* and *Deucalion*'s Floods, mentioned in Histories. And the latter of which is mentioned from *Varro* in St. *Augustine*, and that it over-flowed not so far as *Aegypt*, nor its confines. Such also have been the like other particular causes, by which Records have perished. So the Old *Attick Law*, and the ancient Laws of *Greece* have perished. So the twelve Tables amongst the *Romans*, and all the Old Civil Law Doctors upon them are perished by *Justinian*. So the ancient writings of the Heathens, against Christianity in the Primitive times of it, are perished also, being sentenced to the fire, when the Emperours came to be Christian. Hence their quotations are taken out of others; and the Imperial Laws concerning these things are to be seen in the *Digests*, b *Code*, and c *Novels* of *Justinian*. In like manner also of late, the Pontifical

tifical Canon Law was attempted to be committed to the fire by ^d *Lu. ther*, at his separation from the Church of *Rome*, although against the advise of the Lawyers of *Wittemburgh*, and however it continued in use by the consent of the ^e *Augustine* Confession, and is yet taught every where in the Protestant Academies. Nay, the like had like to have been the fate of *Justinian's* famous *Pandects* themselves also: They scarce thoroughly flourished so much as forty years after their Author, says ^f *Baldus*, *Vultei*, and others, till partly by the Revolt of the *Germans*, *Galls*, *Spaniards*, and others, from the Empire, in these nether parts of *Europe*, under the slothfull Emperour ^g *Phocas*, about the six hundredth year of *Christ*; and partly by the ambition and envy of the Emperour ^h *Basilis* towards *Justinian* afterwards, he endeavouring to suppress them; and partly by the Sacking and Conflagration of *Constantinople* it self by the *Saracens*, under the Emperour *Zeno*, the Seat of the Empire, and the Chief Civil Law Academy, and where perished One Hundred and Twenty Thousand Books, sayes ⁱ *Aeneas Silvius* concerning this matter, (a great number of Books in that Age, and before the Invention of Printing.) The like fate also suffered *Be- ritus*, another of the Roman Civil Law Academies, by an Earthquake. And by these, and other the like causes (which 'twould be tedious here to relate) it came to pass, that *Justinian's* Books were scarce any where seen or heard of for many Centuries together; till at last about the year One Thousand One Hundred Twenty and Seven, under *Lotharius* the Emperour, and *Innocent* the second Pope, both of them waging War joynly against *Roger* of *Sicily* and *Naples*, in the Sacking of the City *Amalphi* in *Apulia*, the *Pandects* were found, and bestowed on the ^k *Pisani* assisting them, as a part of their Triumph, and reward of their Victory. And from thence, and *Florence*, afterwards, they came to light, and into request again. So that thus then it hath been in the World, as to these things. And many the like instances might be given to evidence, That by these, and the like ways, Humane Records, and the many Generations of men making use of them, in several ages and Countries, have perished.

II. From hence then partly, and partly from the Histories of *Moses*, it will be evident by what several ways men have come first into Societies. From the Books of *Moses* we are assured of the first Creation, and of *Adams* first multiplying into a Family; and of that Familie's multiplying into others, derivative from it; and so on, till at last Families united into a Conjunction of Families; and Conjunctions of Families into Towns and Cities, and they into Provinces, and they into greater Kingdoms, Empires, and the like; according to the several degrees of ascent, that these things were capable of, from the several circumstances attending them. Hence we read of *Cain* and *Abel* their first exercising the same Family-duty of Sa-

dy Melchiar
Adam
in vita Luth.
Besold. Dissert.
de Lib. Jur. c. 7

h) In Instit. in.
Proleg.
De Juris prud.
Rom. in Prol.

g) Vid. Niceph.
Lib. 18. Zonar.
Tom. Amal. 3.

h) Vid. Ciron.
Lib. 5. Observ.
Jur. Canon.
Cap. 4. & 5.

i) In Orat. de
excidio Con-
stantinop.

k) Vid. Borol.
De Cath. Reg.
praestant.
Cap. 27. N. 28.
Et Gerhard.
Voss. in dissert.
3. De Symbol.
ibid. 33.

The first state
of men, and
the several
ways of their
coming toge-
ther into so-
ciety.

Gen. 4. 1, 2, 3,
4.

- Gen. 4. 17. crificing together; after of *Cain's* going forth, and building a City; afterwards of the Kings of Cities and Countries, and greater and lesser Territories, and the like. By the like degrees of ascent also have men arrived into Societies, after any of these either more general, or more particular depopulations of Countries, and destructions of humane affairs, which we have mentioned. So after the Flood of *Noah*, mentioned in the Scripture. So after any of the more particular floods, and desolations mentioned; as circumstances have attended the cases of Countries severally. In the first beginnings of these several sorts of Societies, men have been always of greater innocency, more simple manners, and purer integrity; because emulations, and strifes, and with them all manner of corruptions and injuries, have arisen afterwards, when by mens coming nearer together, there hath been occasion of the acting and exercise of these things; and when by reason of the Worlds growing too little for them, propriety hath been introduced, and men have busied their heads, and hearts about the attainings to it. Hence was feigned the first Golden Age of the World by the Poets, both *Greek* and *Latine*, *Hesiod*, *Ovid*, and others; and afterwards its growing into Silver and Brass, and at last into Iron, and that quickly also. And the first of mankind have been famed by all for their greater innocency of life and manners. *Vetustissimi mortalium*, says *Tacitus*, *nulla adhuc mala libidine, sine probro, scelere, &c. agebant*: That the first of men did lead their lives, having not yet been stirred up by evil lust, without infamous dishonesty, or wickedness. And *Seneca*, *Ignorantia rerum innocentes erant*; That they were innocent, by the Ignorance of Evil; and the like: But then Lawes, Wars, and such other things came in afterwards, together with mens nearer converses one with another; and their mutual contests for the Pleasures, Honours, and profits of this World; and their exercising all manner of evil acts and practises for the obtaining of these things. Of the first Age sayes the *Tra-*
gedian;
- Seneca in Hippolito. *AB. 2.*

—Nullus his Auri fuit
Cecus Cupido, nullus in Campo sacer
Divisit Agros arbiter populis lapis.
Nondum secabant credulae pontum rates.
Sua quisq; norat Maria, &c.

That there was to these no blind
Desire of Gold, no sacred stone in the open Earth
Did divide the fields, being an Arbiter to the people.
The credulous ships did not yet cut th' Sea.
Every one knew his own Seas—

But

But then what followes?

*Rupere fœdus impius lucri furor,
Et Ira præcepit; quæque succensas agit
Libido mentes; venit Imperii sitis
Cruenta factus præda majori minor.
Pro jure vires esse--- &c.*

Ibid.

*They brake the league, the impious rage after gaine,
And Headlong Anger; and lust, which violently hurrieth on
The Inflamed minds; the bloody thirst of Empire
Arose, the lesser was made a prey to the greater.
Strength was instead of Law---*

And the like Juvenal,

Sayr. 6.

*Prima peregrinos obscena Pecunia mores
Intulit. & turpi fregerunt secula luxu
Divitie Molles.--- &c.*

*Filthy money first of all brought in amongst men strange
Manners, and soft riches brake the ages with
Fowle Luxury---*

And Lucan,

*-----Perent discrimine nullo
Amisæ leges, sed, pars vilissima rerum,
Certamen movistis opes---*

*The lost Lawes perish,
Without any difference. But, O ye most vile part of things,
Riches, you mov'd the Contention---*

So that it hath been then upon these accounts, that passions, and all man manner of mischiefs following upon them, have always ordinarily come in amongst men.

III. This then being the first state of men in the Cases mentioned, and their primitive innocency; after their multiplyings on the face of the Earth, and uniting into Societies (as the Scripture mentions) thus degenerating into all manner of naughtiness; from hence sprang the necessity of Laws, and Government. *Factæ sunt autem leges, sayes the Decretum, ut earum metu humana coerceatur Audacia, tutaq; sit inter improbos innocentia:* That Laws were made, that by the fear of them the boldness of men might be restrained, and that innocency might be safe amongst wicked men.

Whence the necessity of Laws, and Government; Gen. 6.1.

Parte prima, Distinct. quart.

And,

Jura inventa metu injusti fateri necesse est:

We must needs confess, that lawes were found out for fear of injury.

Howat. Serm. 1.

Sayr. 3.

De Fust. 3.
Ovid.

And,

Inde datae leges ne fortior omnia possit.

That from hence sprang Lawes that he that was strongest might not rule all.

Horat. Serm.
1. ibid.

And,

Oppida caperunt munire, & ponere leges;

Nequis Fur esset, neu Latro, neu quis Adulter.

Men began, after a little time in the world, to fortifie Towns, and make Lawes,

That none should be a Theef, nor open Robber, nor an Adulterer.

And because that these matters of Lust, quarrels, &c. have been generally common to all Ages of men; and also that the wayes of Warres, Lawes, &c. for the ending and restraining of them by consent, have been alike common; Therefore it is, that the Civil-Law asserts them to be of the Law of Nations.

L. Em hoc Jur.
D. De iustit. &
jure.

Ex hoc jure gentium, sayes Hermogenes, *introducunt bella, discretae gentes, regna condita, dominia distincta, agris termini positi, aedificia collata, commercia, emptiones, venditiones, locationes, conductiones; obligationes instituta*: That from this Law of Nations it was, that warres were first brought in amongst men, That Nations were divided, Empires were set up, Dominions were distinguished, Bounds were set to Fields, Houses built, Intercourses of Merchandize, buyings, sellings, lettings, hirings, and obligations were appointed.

In Institut. Tit.
De jure natura-
li, &c. lib. 1.

And, *jus autem gentium*, sayes Justinian, *omni humano generi commune est*: Nam, *usu exigente, & humanis necessitatibus*, *gentes humanae jura quaedam sibi constituerunt*. *Bella etenim orta sunt, & captivitates secuta, &c.* That the Law of nations is common to all mankind: For, Custom, and humane necessities requiring it, the Nations of men did constitute certain Lawes for themselves: For wars arose, and Captivities followed. And thus then, by the general consent of men, is still evident the springing of Laws and Government thus from humane necessities.

The wayes by
which men
have arrived
at Govern-
ment.

IV. The wayes by which men have arrived at Empire, or Government over Societies, are many. And indeed as many as the wayes have been, by which they have united into Societies, according to the circumstances of their several Cases, already pointed at in the mention of those other things (*viz.*) Adam the first man was Created Monarch of the World, by the voice of Nature, and of God himself from Heaven, bestowing it upon him: By the voice of Nature, as he was the Father of all those that sprang from him; and by the voice of God, as it is mentioned in the Scripture, *Gen. 1. 28.* So Cain also, as the Elder, had the rule over his younger Brother, in expresse Termes, bestowed upon him, *Gen. 4. 7.* And so Noah, after his coming out of the Ark, retained the same power that

that *Adam* had. And it is a Currant Tradition, both amongst the *Hebrewes*, and the generality of *Christians*, both *Divines* and *Politicians*, that these were both *Kings* and *Priests* in their own *Families*: And that *Cain* and *Abel* brought their *Sacrifices* to *Adam* their *Father*, to offer for them, &c. And that this *Power of Government* was lodged in the several heads of *Families* afterwards; as there is no doubt but it was, so far forth as there was regular proceeding amongst them, because it belonged to them thus by the *Law of Nature*. And from hence, it may be well concluded, was derived the power of life and death, which was conceded to *Parents* over their children, in the same manner, as *Kings* had it over their *Subjects* in their more publick affairs. *Ἡ δὲ ἐξουσία ἀπὸ τοῦ πατρὸς*, sayes *Aristotle*, That the power of *Parents* over their children was like that of *Kings* over their subjects. And, *Fallit Justinianus Augustus*, sayes *Bodin*, That the *Emperour Justinian* was out, in his asserting, that no other *Nations* had so much power over their children, as the *Romans* had, by their *Civil Law* conferring it upon them; as is to be seen in the body of it, and partly in the reputed *Fragments* of the twelve *Tables* yet remaining: Thus then as to *Moses* his *History*. And it doth not appear from any humane *Records*, That there was any *Government* but by *Kings* in the *World*, till it was almost three thousand years old. *Prisci Homines*, sayes *Aristotle*, sub *Regibus vivebant*; That the ancient of men did live under the rule of *Kings*. And, *Principiorum, Gentium, Nationumq; Imperium penes Reges erat*, sayes the *Historian*; That in the beginning of humane affairs, of *Countries*, and *Nations*, the *Dominion* over them was in the hand of *Kings*. And *Plutarch* affirms, that the first that gave over *Regal Power*, and framed a *Popular State*, was *Theſeus*: And he quotes *Aristotle*, as of the same mind. And *Theſeus* flourished about the year of the *World*, Two thousand seven hundred and twenty. Others date a popular *State* in *Greece* from others afterwards. But it is certain that all the first writings of the *World*, now extant, *Homer*, and others, found only of *Kings*, the rightful *Successors* (it is to be supposed) a great many of them, of the dispersed heads of families, and all of them their partakers in the same kind of *Government*. As to prophane *Histories*, and other writings of the *Heathens*, and the several kinds of causes of the changes and destructions of humane affairs, which I have mentioned, and besides what are mentioned in *Scripture*; the wayes, by which men have arrived at *Government* in *Countries*, after desolations made by those causes of destruction, or otherwise, when, without such *Calamities* there hath hapned a change in their *Government*, are ordinarily assigned in the like manner, by those who write of these things. Some have supposed men to have come together *Ex terra geniti, aut servati ex aliqua vastitate*; being born from the earth, or having been sav'd out of some great desolation. So *Aristotle*; The like *Herodotus*, and

See *Mironsdes*, and the *Rabbins*; and the *Commentators* on these places of *Genesis*.

(viz.)

Ainsworth, & *Selden's Mare Clausum*, lib. 1.

cap. 4.

Bodin, de repub.

lib. 2. cap. 2.

and *St Robert*

Filmer's Observations on

Grotius p. 32.

&c.

Polit. lib. 1.

cap. 8.

De Repub.

lib. 1. cap. 4.

Vid. Fragment.

Duod. Tabular.

L. si pater fili.

um, &c.

Polit. lib. 3.

cap. 11.

Iustin. lib. 1. in

princip.

In Theſeo.

Plutarch.

Strabon, &c.

others recite concerning the *Egyptians*; the fame of their springing from *Nile*; The *Ethiopians*, their being the first men formed, by reason of the nearness of the Sun to them. And the like is said by *Acoſta*, of the *West-Indians*, and their opinion concerning the original of Mankind: and so of other Nations. And, as to their Arrival at Government, some have arrived at it by the pure consent of others, subjecting themselves to them voluntarily; others by conquest; and some one way, some another, according to the divers circumstances attending their several cases, as hath been said.

De natura
Novi Orbis.
Lib. 1. cap. 25.

The Capital
Distinction of
Government
amongst men.
Lib. 1. c. 1.
Sect. 1.
Vid. Interdicti
veneti Hist. v.
l. b. 4.

V. The first and capital distinction then of Government amongst men is, according to the first division of their affairs above mentioned; and that is, by the two opposite members of Ecclesiastical, and Civil, in relation to Divine and Humane Affairs. It was the summe of the preface to the *Venetians* Writings, publicly countenanc'd against the Pope, in the year one thousand six hundred and six, *Duplex à Deo, Opt: max: in mundo Regimen Institutum: utrumque ab altero independens: unum Spirituale, Ministerii Ecclesiastici; alterum Temporale, Magistratus Politici*: That there was a twofold Government in the World, instituted by God; and either of those Governments independent from the other, viz. The one Spiritual, of the ministry Ecclesiastical; and the other Temporal, of the Political Magistrate. And therefore the reduction of all Laws is to one of these two sorts, either Divine or Humane. *Juris prudentia*, sayes *Ulpian*, est *Divinarum, atque humanarum rerum notitia; justis, atque injustis scientia*: That skill in Law is the knowledge of Divine, and humane Affairs; the science of what is just and Unjust. And as *Cromerus* sayes of the Poles, that they are divided universally into the two states of Laicks, and Ecclesiasticks; so in all other Countries, and in all former Ages there hath ever been the like division of men, where they have been members of Regular Societies. And both these sorts of Government are again to be divided by dispartes, either into such in the General, or in the Special, or in the Individual, as is above more generally mention'd.

L. Justitia, D.
De justit. &
jure.

Poloniæ lib. 1.
prop. fin.

Cap. 1. Sect. 9.

The distinction
of consent also gi-
ven to Go-
vernment.

VI. The distinction also of consent given to both these sorts of Governments, mentioned, is, that it is either Pure, as in purely voluntary Associations under one head; or mixt, as in Associations, to which men are principally mov'd by the sence of Convenience, or Necessity. And both these are again, as concurrent causes, either to the making, and constituting a Government; or else to the establishing one already in the possession of Government. And both these sorts of consent again are either personal; as every one that is *sui juris* giveth it for himself: or else obligatory of others; as in Parents obliging their Children, by their act of consent. And both these yet again are either only tacitly signified, as in acquiescence under Government (either of the sorts of it, but now mention'd)

tion'd) or else which men are further oblig'd to by some overt and apparent Acts; as in the case of their partaking more eminently in the benefits of Government, of Subscriptions, Church and State Oathes given in, and taken by them, and the like things common amongst men. And that men are oblig'd to consent and submit to Government, both in the general, and in the special, or any of the lawful sorts of it; and also in the particular, or individual; it is both from the Law of Nature, which dictates such their consent and submission to be yeelded by them; and also from the expresse Divine Law, which commands it from God. And as it is thus concerning Government in the State, so also it is concerning Government in the Church, in any Society; That men, either entering into, or else being already in the Society of any Christian Church, are oblig'd to consent to the lawful Government of it, in these wayes mention'd. And they do also farther oblige themselves to consent, and submit to it, more specially, and expressly by their particular Acts of receiving Baptisme in such a Church, partaking in Church Priviledges, by Subscriptions, Church-Oathes, and the like. And the like is to be said every way concerning the State, in it's capacity, in relation also to these things, in their severall respects, which they bear to it; and as to their obliging men to acquiesce under the Government of it. And last of all, that consent once given in all these sorts, and respects of it, doth oblige men to yeild their submission and obedience due to Governours, and Government by it; it is remarkeably evident from the dictate of the Law of Nature. For, where right accrues necessarily to another (as in this case it doth to Government) by a mans own voluntary Act; That Act being once passed, a man cannot reverse, or revoke that right due by it again. And the obligation induc'd upon men by consent, in the general, all lawes have ever Asserted: and both in the Canon and Civil Law there is no appeale granted from Arbiters chosen by the parties Litigant: And the Doctors of both Lawes do constantly adjust the same things. *Ab arbitris appellatio permissa regulariter non est*, That from Arbiters there is no appeal permitted Regularly, sayes Covarruvias: and so others.

Hic supra.
S. 5.

VII. The present lawful Government, both Civil and Ecclesiastical, in any Society, is the Ordinance and appointment of God: For so saith the Scripture, *The Powers that be, are ordained of God*, Rom. 13.1. And the Governours derive their Power also, or right of Governing, immediatly from God; for there is none else hath it to bestow upon them but he; as the Omnipotent Creator, primarily; and as the Supream Governour of the world, secondarily, as was said above concerning Religion. And so saith the Scripture also, That therefore the Civil Magistrate in the exercise of his power, is the Vicegerent, or immediate Minister of God, Rom. 13.4. Concerning the Civil Government; I shall prove its being from God

Vener. Reso.
lul. lib. 2. cap.
12. num. 3.
The present
lawful Go-
vernment is
from God,
proved in
the general,
and concern-
ing the
Church Go-
vernment in
particular.
Cap. 2. Sect. 2.

more at large anon. Concerning the Ecclesiastical, and the power proper to the Church Governours in a Christian Church, I shall evidence it here, and that from the Divine Law of *Christ*. So *Matth.* 28. 18, 19, 20. at his first giving them their Commission; *All power is given unto me in Heaven, and in Earth: go ye therefore, &c.* So *St. Paul*, *Heb.* 5. 4. *And no man taketh this Honour to himself, but he that is called of God, as was Aaron.* And *Eph.* 1. 20, 21, 22, 23. with *Eph.* 4. 8, and 11. *And he gave some Apostles, some Prophets, some Evangelists, some Pastors and Teachers, for the perfecting of the Saints, &c.* And the like other Texts might be mentioned. Hence in the Law of *Moses*, God himself gave particular Order for the Admission, and Consecration, and anoynting of *Aaron* and his Sons to their Priestly Office. And the Heathens derived the power of their Priests from their Gods. And *Plato* in his Laws would have the Creation of them determined by Lots; That so it might be committed to God, to take whom he should please, by the disposal of them: The very same thing which the Apostles of *Christ* did, in the case of *Matthias*, in the New-Testament. So also in the New-Testament, the Bishops of the Seaven Churches of *Asia* are called the Angels of those Churches: And the ordinary Ministers in the discharge of their Function, are every where called the Ministers and Messengers of *Christ*. And therefore it is the universally approved assertion of the Law Canon, and Schools, *Prelatium esse à Deo*, That Prelacy is from God; and that for this Reason, sayes the Canon Law, *The Ecclesiastical Censures, rightly executed by Church-men, are of the same efficacy, and as much to be regarded, as if they were executed immediatly by Christ himself.* So the Decretum, *Nemo contemnat Ecclesiastica vincula: Non enim homo est, qui ligat, sed Christus, qui hanc potestatem dedit, & Dominus fecit hominis tanti honoris.* Let none contemn the bands of the Church; for it is not man that binds, but *Christ*, who hath given this Power, and the Lord hath made men to be of so great honour. And so also *Aquinas*, *Prelatio omnis est à deo*, That all Prelacy is from God. And *Durand*, *Prelatio est in hominibus ex ordinatione divinâ*, That Prelacy, in men, is from the Divine appointment and Ordination. And it is the common vote of the Papal Canonists, That *Summus Pontifex est supra omnes gradus, and Constitutus solo à Deo*: That the Chief Prelate (the Pope) is above all Orders, and constituted by God alone. And *Potestas Ecclesiastica*, sayes *Covarruvias*, *in hoc à Civili differt; quod ea non est immediate penes totam Rempub: sed fuit ab ipso Deo, Jesu, Petro ut Principi, et Apostolis ceteris, eorumque successoribus concessa: That the Power Ecclesiastical differs in this from the Civil (viz.) in its not being immediatly in the hands of the body of the People, to bestow; But it was granted from God himself, Jesus, to Peter, and the rest of the Apostles, and to their Successors.* But I speak not these things to countenance what is meant by them, by

Infra hic. §. 1.
15.

Legib. Dial. 6.

Acts 1. 26.

Decret. pars
secunda, Causa
11.
Quest. 3. nemo
contemnat, &c.

Prima Quest.
96.
In secundum
sensum.
Lib. 2. distinct.
44. *Quest. 2.*

Prædicar.
Quest. lib. cap.
1. n. 2. §. 4.

by these men; but only so far forth as they make in the general, to my present purpose.

VIII. In the controversy, concerning the original of Civil Government, there are two constitutive and principal efficient causes of the Civil Power assigned. The one is God, and his immediate donation of it. The other is the People, and their Authoritative donation of it: And both are alledged. And because that this Principle of the authoritative donation of the people, in this case, is directly opposite to the immediate donation of God; and that also there are many dangerous consequences, and such as are destructive to the very constitution of an Ecclesiastical Uniformity in particular, and the Laws of it (and particularly the right of Rising in Armes) which are derived from this authoritative donation of the people mentioned; therefore also I will here farther state the Case concerning both these matters.

The two constitutive causes assigned, from whence the Civil Power is derived, in the controversy concerning it

IX. The state of the case then concerning the derivation of the power of Government from the people, is thus;

The state of the Question concerning the derivation of it from the people.

1. A Primitive liberty of all men by nature, is laid down as the Ground and Foundation of it.

2. The people, by their consent given, are said to confer the power of Civil Government over them on their Governours.

3. The Governour set up by them, is stated, not as a Proprietary, but only as the peoples Usufructuary, and Tenant at Will, in the mean time, in his Government.

4. The power of Government is said to remain fundamentally (as they call it) all the while in the people; and only the exercise of it, for the present, to belong to the Governour.

5. The consequence derived from hence, is, that the people therefore may resume it in case of Male-administration, and reduce all things again to the state of Nature (as they call it) till another is set up.

6. That they may use the means, and exercise the right of Resisting, rising in Armes, &c. for the deposing the Prince guilty of such Male-administration, if occasion be.

7. And Lastly, All this is said to be appointed by God and Nature, for these ends (*viz.*) The welfare of Religion, and the safety of Humane Society from Tyranny. These then are the things that in our derivation of the Magistrates Power immediately and authoritatively, in a special manner (and not only by the concurrence of his general Providence, as our opponents say) from God, come first to be examined.

X. First then, the principle of Universal Natural freedom is derived by our opponents, in this matter, as the Law of Nature, from two Fountains or Spring-heads of things.

The principle of Natural Freedom refuted.

1. First from the Civil Law.

2. From the writings of the Heathens, both *Greeks* and *Romans*,

extant in the several Ages together with it. For this is observable, in this matter, that although the writings of later times, asserting this Principle, are the writings of Christians; yet there is little or no mention at all made of Scripture concerning it.

I. Then for the Civil Law : There are several distinctions of liberty given, and made use of, both by the *Civilians*, *Philosophers*, *Poets*, *Oratours*, *Historians*, *Politicians*, and others. *Libertas* est, vel *Philosophica* ; that is, that of the mind : vel *Civilis* ; that is, of Citizens in their City, or Society : vel *Naturalis* ; that is, that of Birds and Beasts, when they are in their Natural Liberty and freedom from us, sayes (a) *Brissonius*, *Johannes* (b) *Calvinus* the *Civilian*, the Civil Law (c) Text it self, and other expositors of the terms of it. And the like other distinctions, and sub-distinctions of it are given, and made use of by these several sorts of writers. But the Natural Liberty meant here, is that that is apply'd to men. So,

a) De verborum
signific. lib. 10.
verbo Libertas.
tem.

b) In Lexiconi
Juridico. verb.
Libertas. C. L.

44, 45.

D. De Acquir.
vend. Dom. L. 3.

S. Item servas.

D. de acquir. pss.

S. Feras. in fi.

Justit. de di-

visio. ver.

D. L. Manu-

missiones. D. de

Justit. de Jure.

E. L. Libertas.

D. de statu ho-

minum.

f) D. de Diver-

sis Reg. Jura.

Quod attinet ad

ad jus Civile.

g) Vid. Instit.

Lib. 1. Tit. de

Just. de Jure.

Et, de Jure

personarum. Et,

de Ingenuis.

Et, de iis, qui

sunt, vel alieni

jura sunt. Et,

de Patria pote-

stat. &c.

h) Vid. in L.

Manumiss. de

Justit. & jure.

Ut pote cum, Jure Naturali, omnes homines liberi nascerentur; seeing all men by the Law of Nature, were born free, says (d) Ulpian. And after him, Florentinus; Libertas est naturalis facultas ejus quod

cuiq; fateri libet; nisi quod vi, aut jure prohibetur : That Liberty is the natural faculty of doing that which every one lists, unless so far forth as he is prohibited either by Law or Force. And (f) Ulpian again, Quod ad jus naturale attinet, omnes homines aequales

sunt : So far forth as concerns the Law Natural, all men are equal. And last of all (g) Justinian, in his Institutions, consonantly to these things, here and there in the diverse titles of them. Thus the Law-Texts themselves, and the Doctors generally, (and which

is to be so much admir'd at in them being Christian) make no great exceptions to these things; But some more expressly, rather assent to them : So the (h) Glosses. Sed verius est, ut hodie nascentur

servi; cum in hac parte derogaverit Juri Naturali jus Civile. But it is more true, that some at this day are born Servants, seeing that in this matter, the Civil Law hath derogated from the Law Natural.

And the like on the other Texts of the Pandects and Institutions mentioned. In the like strain run *Bartolus* and *Baldus*, and the several following Commentators on the Glosses, and Correctors of them generally, *Contius*, *Cicacius*, and others. And the terms of

Natural Liberty, are frequent in the writings of the *Civilians*. What then is in this matter to be answered to so Great Authorities?

Truly the first Commandment of the Law of *Moses*, will not suffer them to pass for current. And which, because it is Divine, and their Authorities are only Humane, it is necessarily to be preferred before them. And then, if that Precept constitute the sub-

jection of Children to Parents to be Natural; How will any such thing as Universal Original Equality, and consequent Natural Liberty follow? *Cras respondendum est*; This is not presently to be

Answered : In the interim, have not all the Hebrew Rabbins, and

and the Christian Divines, ever accounted the fifth precept of *Moses* to be constitutive of such Natural subjection? And therefore it is, that there is no mention of any such thing as Natural Liberty, or the Power of Magistracy expressly from the people in Scripture. And *Grotius*, and other Christian *Civilians*, who proceed upon this principle of Natural Freedom, and yet own the subjection of Children to Parents to be Natural, are to see to it, how they will consist with themselves. *Communis rerum usus naturalis fuit; And, hinc factum, ut statim quisq; hominum, ad suos usus arripere posset, quod vellet.* And, *Dominium, quale nunc est in usu, voluntas humana introduxit;* and the like says *Grotius*: That the common use of things was Natural; that from hence it came to pass, that presently, every one might snatch away from another whatsoever he had a mind to. And, that kind of Dominion, which is now in use, the will of man hath introduced. And yet, *Generatione Parentibus jus acquiritur in liberos;* says he; That by Natural Generation there accrues a right to Parents over their Children. And *Paternum imperium est naturale, & antiquissimum:* That the dominion of Fathers is Natural, and the most ancient: and the like. What is the meaning of these contradictions *de eodem subiecto*? If there accrue a right of dominion to Parents over Children, by generation, then 'tis not by the Civil Law: And, if not by the Civil Law, then where is the Natural Freedom of Mankind? And *Grotius* himself confesseth also, That the Civil Law doth not always distinguish aright, betwixt the Laws of Nature, and Nations, and the Civil Laws of Countries. And the body of it compiled by *Justinian*, may better consist, in all the titles of it, without the principle of Natural Freedom. In the distinction of Children, into those by Nature, and those by Adoption; It (a) prefers those by Natural Generation before the others; and it asserts Generation to be a part of the (b) Law of Nature: and that the voices of Nature would have the natural children to be first of all admitted to Inheritances, and the like. And why there should not be a subjection and obedience due from children to parents, upon the account of Natural Generation, as well as such a respect from the Parents in preferring the Children, there is no sound Reason can be render'd. The like also is the Case in the assignation of the degrees of (c) affinity, in both Lawes: And the next of the Kinne are first in order recited. Consonantly to these things also have the wise Heathens delivered in their writings. So *Aristotle*, (e) *Nam qui procreavit, & amicitia, & aetatis jure imperium obtinet:* That, He which hath begotten, both by the right of his natural affection to his Children, and also of his Age, above that of theirs, obtains the dominion over them. And *Plato* gives strict command for the honouring of Parents, both in words and deeds; And (g) sayes, *The first, and greatest, and most ancient Honour is due to them.* And, says he, *Quod de cultu Deorum ignorare non oportet.*

De Jure Belli, & par. in Prolegom.
Ibid. Lib. 2. Cap. 2. Sed. 2.
Lib. 1. Cap. 1. Sed. 10.

Ibid. Lib. 2. Cap. 5. Sed. 1.

De Imperio sum. pot. circa sacra. Cap. 1.

De Jure Belli. in Prolegom.

a) F. Si tabulae testamenti nulle extabunt. Et unde liber. L. 1.

Et F. eodem. L. Liberi & L.

Scriptis heredes Et F. de gradibus, & affinitatibus, & nominibus eorum.

L. Si filium, & L. Jurisconsultus.

b) L. Hujus studii. D. de Juris. & jure.

Jus naturale est.

c) Vid. D. de Grad. & affinit. & C. L.

Si quis de Episcopis, & oler. Et L. cum. Et L. Deo nobis

auxilium, &c. Comparat. cum

secuto, declarat Arboris affinitatem, &c.

d) Hic Supra: S. 4.

e) Polit. Lib. 1. Cap. 8.

f) De legibus: Dialog. 4.

id g) Ibid.

h) Ibid. Dial. *id recte dictum ad honorandos parentes pro amiorum erit*: That there is one thing concerning the worship of the Gods, which we ought not be ignorant of; That, that which is rightly said for the honouring of Parents, ought to be one of the first things to be heeded. Moses himself could have said no more. And the great Apostle of the Gentiles delivers the very same thing, Eph. 6. 2. That Moses his fifth Commandment is the first Commandment with promise. The Laws of all Princes, in their particular Countries, have ever established the same thing. Let the Laws of Charlemain, and others, be consulted. 'Tis true, if men will proceed upon the principle of the Heathens mention'd; of, *Homines à terrâ geniti, &c.* Of men having been born from the earth; then an original equity, and their having, at first, subjected themselves by pure consent may be derived from it: but not so, by any means, from the opposite principle of Adam's Creation: So that thus we see then, the Law of Nature, and the consent of men, by stating such a subjection of children to parents, removes totally this principle of primitive Natural freedom. The Law and dictate of Nature is two-fold; (both of them delivered by Ulpian, but not enough distinguished:) 1. That of the sensitive, common to Men with Beasts. 2. That of the rational, proper only to Men. And so Hostiensis, *Tempore ante Legem Mosaicam fuere tres Leges, (scil.) naturalis communis; item naturalis rationalis, quæ nihil aliud videtur quam naturalis ratio; item jus gentium*: That, in the time before the giving of the Mosaiical Law, there were three Laws, (viz.) the common natural; also the rational natural, which is nothing else but natural reason; and also the law of nations. And, as both the sensitive and rational natures do dictate to parents the love of their off-spring (the sensitive because of their similitude of humours (which is the common foundation of all natural affection) and because they sprang from them, and the like; and the rational because of their hopes of them, and that they will be a defence to them hereafter in the world, and the like) so who will deny, since the parents are those the children sprang from, and since they are a part of their Families, and most properly under their Tutorage, in their minority; and since they owe their life, and all to them; but that both these Laws, upon these, and the like accounts, oblige the children also to subjection, and the return of obedience to their parents. So then, if there were no primitive natural liberty and equality of men (as I have evidenced from these things) then neither is there any such liberty and equality as is asserted by our opponents in this particular of this Question, belonging naturally to their succeeding Generations, and in their several Ages in which they chance to live under any Government.

2. The Great Authorities of the Civil Law, and Doctors, being thus confronted; The next, from whence this principle is derived, is the writings of the Heathens, the Greek and Roman Poets, Orators,

He sups
Sect. 4.

F. De Just. &
jur. L. Hujus
studii. Jus na-
turale.
Summa Aur.
in Proam. N. 6.

tors, Historians, Politicians, and the like. And as to their writings, the notion of natural liberty is very illy and unskilfully, by our adversaries, deriv'd from them. For first, the notion is only proper to the Civil Law, and Civilians, and so owned to be by themselves. Let the Cardinal *Briffon*, and other Civil Law Dictionaries be looked into, and they call it their sort of liberty, and distinguish it from the sorts of liberty defined generally by all other sorts of Writers: *Sed nunc videamus ad nostram libertatem; But now let us return to our kind of liberty*, says *Briffonius*, after his recital of *Cicero's* and others definitions of it: and so other Dictionaries. And if we will look also into the writings of these others, we shall find the terme Liberty made use of in the several senses of those distinctions, and sub-distinctions, which we have above mentioned, and in which we have apply'd it to men. But these definitions touch not any thing upon this of Natural Liberty, given by the *Civilians* in the mean time. Let *Aristotle* be first consulted: And it is defined by him, in the general, and as it belongs to every private and particular man, to be, *Potestatem vivendi ut velis*, A power of living at our own pleasure; and he says, *that that was commonly held to be the property of Liberty; Hoc enim Libertatis aiunt esse proprium, sic vivere ut velis: So to live at our Pleasure*. Amongst the *Romans* the very same definition also is given of it by *Cicero*. *Libertas*, says he, *est potestas vivendi ut velis*; That Liberty is a power of living as we will. And, *cujus proprium est sic vivere ut velis: The property of which is so to live as thou wilt*. But here is not a word of the derivation of it from any right of Nature in the mean time. Let us proceed to the consideration of the term used by these men, as it imports a Civil Liberty, and relates to men as members of a Society, and with respect to the publick; and so, sometimes they call it the peoples Liberty, when they had the supreme Sovereignty, as it was in some ages both of the *Greeks* and *Roman* States: So *Aristotle*, in the place but now cited, and others. Sometime again it is termed the Civil Liberty of the people, under another subdistinction of it; when one of their own Country, and who was their Natural Prince, Rul'd over them. So *Herodotus*, before *Aristotle*, says, That all the *Greeks* were free, before *Craesus* his Conquest of them: But he means only, that they were free from the Rule of of Strangers. Other notions of Liberty, found in the writings of these Learned men, might be mentioned. And because they have termed it Liberty in an eminent sense, in countenance of the *Greek*, and *Roman* Democracies, and where the people have had the Supremacy; therefore some men have supposed them, by that assertion, and other sayings of theirs, to have countenanced their darling notion of Natural Liberty. Finally, the summe of all is this; That, wheresoever any thing may be found, or supposed to be found in them, which may any wayes countenance this notion.

De verborum
signific. Lib.
10. Verbo li-
bertatem.

Hic supra, in
hac Seâ. in
Princip.

Polit. Lib. 6.
Cap. 2. &
Lib. 5. Cap. 9.
Et de Repub.
Lib. 6. Cap. 1.
Ibid.

Paradox. 5.
Offic. 1.

In Clie. in prin-
cip.

Pessum dandum est, it is not to be suffer'd to stand in Competition with the Authority of *Moses*, and of right Reason assenting to it.

The other Propositions concerning the Power of Magistracy fundamental in the People, &c. in the State of the Question, considered.

XI. This Principle then of Natural freedom being thus refuted; The other Propositions concerning the peoples conferring Power on Governours, and the like derived from it, in the State of this Question, follow to be considered: and that as to their being deriv'd from the two Spring-heads of things mentioned also, and concerning any such Power Fundamental in the people, to be conferred Authoritatively on Governours, and the other following conclusions which are above recited; we find no such thing as any of these are, derived from the Principle of Natural freedom mention'd, neither in the Civil Law, nor the *Greek* and *Roman* Writers, extant either before any part of it, or at anytime contemporary with it. For the Civil Law, I shall have occasion to make farther mention of it anon; for the Heathen Authors, they constantly derived the power of Princes from God, and place them as inferiour only to him; and make no such mention of the People, as is cryed up by our opponents in this business. So *Homer*, the most Ancient Greek Poet; what more usual with him in his writings, then the Epithets of — *Μῶλας Διοτρεφής*, and *Διοτρεφὺν βασιλῆα*, and the like?

Hic infra.
Sec. 19.

Ody. 4. p. 95.

Ibid. p. 85.
Iliad. 2. p. 63.

So in his *Iliads*,

Θυμὸς δὲ μέγας ἐστὶ Διοτρεφὸς βασιλῆος,
Τῆμ δ' ἐκ Διὸς ἐστὶ.....

*But the Anger of a King, the off-spring of Jupiter, is great;
And his honour, is from Jupiter——*

Ibid. lib. 1.

So again—— *Οἱ τε θεῖος*

Πεθεὶ Διὸς ἐρύσσεται——

*—— And those who, defend
The Lawes, from Jupiter——*

Ibid.

And again,

Σκεπτὸν βασιλῆα, ὃν τὴ Ζεὺς κοῖνῳ ἴδμεν;

The Scepter-bearing king, and to whom Jove hath given his honour.

In Trag. Arg.
Supplicibus.

So also *Æschylus* brings in the people speaking to their King,

Σὺ τοὶ Πᾶσι, Σὺ δὲ τὸ δῆμον,

Πρῶτασι ἀπὸ τοῦ ὄν, &c.

*Thou art the whole City, and the whole People,
Being a Governour, not responsible to any Tribunal.*

And the like *Aristotle*. *Ὅτι νόμον βασιλῆος, ἐκ ἐστὶ ἰδμεν πολιτείας:*

That a King according to Law is no kind of Government at all.
And

And he is very unskilful in the Ancient Heathen writings, who knows not, that the constant notion of a King in them, is as of one that is the supream in his Dominions, and subject to none on Earth. Let us proceed to the *Latines*; and amongst them *Horace*,

*Regum timendorum in proprios greges,
Reges in ipsos imperium est Jovis.*

*Carmin. lib. 3.
Ode. 1.*

*The Dominion of Kings is over their own people;
But that of Jupiter is over Kings themselves.*

And the like *Juvenal*;

*Nihil est quod credere de se
Non possit, cum laudatur, Diis æquæ potestas.*

Satyr. 4.

*There is nothing, which the Power, equal to the Gods,
Cannot believe concerning it self, when it is commended.*

And *Seneca*;

*Ubique tantum honesta dominantî licent,
Precario Regantur——*

*Thyeste, Acta
200.*

*Wheresoever honest things only are lawful to him that Rules,
There the rule is Precarious——*

So that thus they ordinarily of these things. And where they speak otherwise, either it is in the Person of another, or else it is concerning the Peoples Offices only, where the people had the Supremacy, and the like; or else there is a very great distraction and confusion in their Writings, concerning these things. Neither will any man be able to justify the Principles and Conclusions mentioned upon any other grounds from them; and however they are but Humane Authorities.

XII. Having examined then these Propositions from the Causes of them, let us do the like also from their effects. Of which the first is this: 1. That our Antagonists render it utterly impossible for a Governour to have right and power conferr'd upon him: for if but one in a whole Society either dissent, or else do not give his consent (all throughout the several Generations of the World continuing naturally alike free from their Birth, and till consent given to any Government, as is asserted) he is a Governour injuriously even to that one, and not by right. But Infants are not capable of exercising any Acts of Reason; and so not of giving their consent in this Case: and it is a Rule in the Canon-Law, *Scienti, & Consentienti non fit injuria, neque dolus*, That to one conscious, and consenting to a thing, there is no injury done, nor deceit: And then the contrary also is a Rule. And, *Quod omnes tangit, debet ab omnibus approbati*; That which concerns all, ought to be approv'd of by all:

*The state of
the Question
on the Peo-
ples part con-
sider'd also
from it's ef-
fects.*

*Sexti Lib. 3.
Reg. jur. 27.
Ibid Reg 29.*

and the like. If it be said here, that the Acts of Parents bind their Children (which is true in this matter, as was said above in the distinctions of Consent) This ruins the whole cause, and stumbles upon the true Original of Government, sayes the reputed *St Robert Filmer*: So that there is no evading the dilemma in this business.

Hic Supra
Señ. 6.
See the Anar-
thy of limited
and mixed
Monarchy.
pag. 8, 9, 10,
11, &c. said
to be St. Ro-
bert Filmer.
Hic supra, Señ.
10, in princip.
Pro populo
Anglicano,
cap. 2.

2. In the putting the power of Government into the peoples hands, they proceed without any warrant from Scripture: Little or no mention at all is made of it, as I noted but now. Mr. *Milton* in his intemperate discourse against *Salmatius*, produceth one Text for it; and but that one; and that is *Deut. 17. 14. When thou art come into the Land, which the Lord thy God giveth thee; and shalt say, I will set a King over me, like as all the Nations about me: —* And one would think he might have answer'd himself from the very next verse, that is, *vers. the 15. Thou shalt in any wise set him King over thee, whom the Lord thy God shall chuse (i.e.)* God shall have the authoritative, and original designation and appointment of the person, whom he will invest with that power; and thou shalt consent to him, and own him by all the inferiour Acts which belong to the people in Constituting him in his kingdom; as it was in the case of *Saul, David, Solomon, &c.* The people brought gifts, *Cryed, God save the King,* and the like; but God himself sent his Prophets to Anoint them, and invest them with their Power. The like answer is to be given to that of *St. Peter, 1 Pet. 2. 13. Submit your selves to every ordinance of man;* but then it is for the Lords sake, who invested them with their Power. And, according to this Tenour, runs the whole strain of the Scriptures, as will be instanced in further anon.

See Ains-
worth, Dio-
dori &c. in
loc.

De Repub. lib.
1. cap. 8. in
princip.

De legib. Dial.
6. circa Med;

3. In stating Princes to be only *Usufructuaries*, they make the people to be Supreme (*viz.*) by their supreme Power of Taxing Princes continually, and calling them to an account for their Actions, and the like. For *Majestas est summa in Cives, ac subditos, legibusq; soluta potestas*, sayes *Bodin*; That *Majesty is the Supreme Power over the Citizens, and Subjects, and that which is at liberty from the Lawes.* And *Ὁν ὁμοῦ βασιλεύει* &c. *They which are like to Kings, do put a period to affairs,* sayes *Plato*: And so all other Politicians, in stating the Supreme Power; as necessarily they must. So that the People then, in this case mention'd, are the Supreme, and have the absolute Power, and Princes are only their Subjects in the mean time; and in so stating them, many Scriptures are contradicted; Such as that of *St. Peter* just now mentioned, *1 Pet. 2. 13. Submit your selves to every Ordinance of man, for the Lords sake; whether to the King as Supreme.* And Princes are called Supreme there, both in opposition to the Inferiour Magistrates; which, some say, are to be the Peoples Instruments in the calling Princes to an account; and also to the whole People, who are said thus to Authorize them. Such also is that in the Old Testament, *Dan. 2. 37, 38. Thou*

O King, Thou art this Head of Gold. Such also is that of *Solomon*, Eccl. 8. 2, 3. *I counsel thee to keep the Kings Commandment, for he doth whatsoever pleaseth him:* And Verſ. 4. *Where the word of a King is, there is Power; and who may ſay unto him, what doſt thou?* And this latter Text is the Text ſcal'd at, as the Fort Royal for the uncontroulableness of Sovereign Princes. Some give the weak answer to it, of its being ſpoken only of the Kings of *Iſrael*; ſuch as *Solomon* was, who ſpake it: Not conſidering their juſtifying the examples, as ſuch, of the people of *Iſrael*, their ſometimes Riſing againſt thoſe their Sovereigns, in the mean time. Others affirm it to be meant onely of the juſt and lawful exerciſe of a Princes Power; and not in the caſe of Male adminiſtration. *Milton* particularly, That it is a precept deliver'd only to private men, and not to ſubordinate Magiſtrates, or the Representative of the people; whom he, and others make to be the people, by Interpretation in this caſe: But any of, theſe things will not ſalve this Text. And, the truth is, that grant they but theſe two things, which alſo are deny'd to it by none: 1. That it is but at all aſſertive; And, 2. But of any juſt Power in Kings whatſoever; and then the terms of it are too large to intimate in themſelves any ſuch limitation, as is made to it; or otherwiſe to admit of it, unleſs there were a neceſſity from ſome more cogent contrary Text of Scripture. And if the opponents part could produce but the like evident and numerous Texts, to thoſe that are produc'd againſt them, there would be more credit given to their cauſe.

*Pro Pop. Ang.
lic. Cap. 2.*

4. In ſtating it lawful to exerciſe the Right, and to uſe the means of Reſiſting, Riſing in Arms, and the like, for the calling Princes to account.

1. They render it impoſſible for any Government to ſtand.

2. They contradict other the like moſt evident Texts of Scripture, which condemn it.

1. Impoſſible for any Government to ſtand; that is, the Corruptions, and Luſts of men being conſidered, and ſo taking an object, as a Crown, and a Kingdom, being propoſed to the eye of covetous, ambitious men. For who ſhall be judge in this caſe, of a Princes male adminiſtrations? And theſe things being taken into conſideration, it muſt needs be acknowledged, that there will never want pretences for Riſing, till in the end there be neither Government, nor Humane Society. And it is but meerly Luſory, and ſpoken to no purpoſe in this matter, what *Grotius* and others of our adverſaries ſay, thinking by it to provide for the conſervation of the Authority, and the ſafety of Governours; That, *ſtandum eſt promiſſis*; and, that *conſent once given to them, doth oblige to obedience, and ſubmiſſion, and cannot be retracted.* Alas, What is this, ſince in the mean time they allow ſo many ſtaring holes, to the luſts of men, for retraction, by making the conſent in this caſe

In vindicta
contra Tyran-
nos, Quæst. 2.
post princip.
Et vid. Por-
um in Rom. 13.
Explicat. dab.
de pot. civ.
prop. 2.
De Jure Belli.
Lib. 1. Cap. 2.
Sect. 6.
Si dicitur in
universis.
1 Pet. 2. 14.

Pro Pop. An-
glic. Cap. 6.
In Epit. in 4th
Decretal. Part.
2da. Cap. 3.
Sect. 4. N. 6.
In vindicta con-
tra Tyran.
Quæst. 2.
Adversus Mo-
narchiam. Lib. 3
Cap. 8.
De Jure Belli.
Lib. 1. Cap. 4.
Ibid. Lib. 2.
Cap. 2. Sect. 2.
Et Alibi.
Et Lib. 1. Cap.
4. Sect. 7. Et
Alibi.

Mat. 4. 8.

not to oblige generally, and by conceding it to such variety of persons, and in such variety of cases, to have the right of freedom from the obligation induc'd on them by such consent, and to be left at liberty to Rise against Princes? *Ju-nius Brutus*, and others, put the power of Rising into the hands of the inferiour Magistrate, for the prevention of Tumults, by the disorderly (as they call it) Rising of the People. To this *Grotius*, (with a censure of such mens too much serving the times and places wherein they liv'd, who have written such things) answers; That the inferiour Magistrates, are in relation to the Supream, but as sub-jects, and private persons, and those that are sent by him, as the Scri-*pture saith*; although in relation to private persons, they are Magi-*strates*. Others concede this power even to any private persons, who have Valour and Power enough in their hands for the Lead-*ing of the Multitude in their Insurrection*. Others say, they Rise not against the Authority, but against the Person of the Prince: But the Person of the Prince is necessary to the support of his Au-*thority*; and his Authority renders his Person Sacred. Others say, there ought not to be any Rising at all, but in cases of extremity. *Concedimus rectorem non facile mutandum*: We grant that the Go-*vernour is not easily to be changed*, says the late *Milton* (the very words of *Covarruvias*, and the other Papal Canonist.) And *Omnia prius tentanda*; That all other things are first to be tried, says *Ju-*nius Brutus**, and the like, the others of them, that consider the many hazards in the change of a Governour. Others concede a Ri-*sing, with certain more particular limitations*. *Barclay* also in the case of extream Tyranny, and in defence only. *Grotius* upon sup-*position that the Publick Weal receive no damage by it, and that the Person and Life of the Prince be spared*. And he makes fre-*quent use of that Rule, In omnibus legibus humanis summa necessi-*tas videtur excepta**: That extream necessity seems to be excepted in all Humane Laws. Yet that is to be understood, only where the taking the liberty of the exception, will either out-weigh, or at least recompense the evil accruing by the deviating from the Rule. But we leave all this to the consideration of any versed in Histories of Times, and Humane Affairs; whether any of these things do en-*ough attend to the Lusts and Corruptions of men, the giddiness of the Multitude, and the licentiousness of popular insurrections*; all which do not use to proceed by Logical Rules, and cases of Con-*science*, especially when so tempting a thing, as the Dominions and Crown of a Prince (as we have said) is lying open to the Conque-*rou*. The Kingdomes of the World, and the Glory of them were the third and last essay made, by the Great Tempter himself, upon the very Saviour of the World. Who then shall justifie these al-*lowances of Rising in these Cases against Princes?*

2. They contradict plain Texts of Scripture in these things also; And they are such as command obedience generally, and submission to be yielded to Princes, and that in opposition to the resistance of them. Such are, *Rom. 13. 1. Let every soul be subject to the higher powers.* And, *1 Pet. 2. 13. Submit your selves to every Ordinance of man.* And, *Rom. 13. 2. Whosoever therefore resisteth the Power, resisteth the Ordinance of God: and Vers. 5. Wherefore ye must needs be subject, not only for wrath, but for conscience sake.* And it is that First Commandment, (which I have above mentioned) concerning our Neighbour (and so much applauded by Plato, and others) in *Moses his Tables, Exod. 20. 12. Honour thy Father and thy Mother:* And the like other Texts might be mentioned. Frivolous are the exceptions then that are made to so evident Texts of Scripture. *Buchanan*, and some others, will venture to say, That the New Testament Texts against Rising were only Temporary, and intended for the Apostles, and Primitive times, till the Christian Church could get Power of Resistance into their hands. But the Primitive Christians never had such a Judgment of them, nor can it be thought that they durst imagine *St. Paul* so to prevaricate. And the terms of the Texts are, in the Letter of them, too general: and I do believe, will never be certainly nor safely limited, in favour of conceding resistance while the world stands. So others produce the Examples of the Guards Rising against *Athaliah*, *Ehuds* killing *Eglon*, *Jehu's* killing *Jesabel*, and the like, to confront these Scriptures by. But these, and the like acts in Scripture, were either made use of on Usurpers (and so are but impertinently alledged) or else from extraordinary command, or impulse (and so not ordinarily imitable) or else down right impious (and so not imitable at all) or else at best are but dubious, and so not to be compared with such evident Texts to the contrary. And last of all, *Junius Brutus* draws a particular Argument, in the case of Religions being endangered by any Prince, from a Covenant made, says he, by the Jews with God, to continue in his True Religion: But the consequence is not good from a Covenant made with the Jews Church to the like to be necessarily made with any one Church of the Gentiles, in any supposed case whatsoever. Neither, in case the Supream Magistrate amongst the Jews should have turn'd to Idolatry, had there been any necessity from that Covenant, of the peoples taking the way of Rising, for their opposing him in it, unless God had particularly prescrib'd it, because God could have prevented the Destruction of that Church, by many other ways evidently more commodious both for their Divine and Humane Affairs: as we see he did also in diverse presidents, that might be given from the Scripture History: And the Jews, by the pretended Covenant made by them in the mean time, could not be obliged any further, on their part, then to the use of lawful means actively; and at last to passive obedience.

See Tit. 3. 1.
1 Tim. 2. 1, 2.
1 Pet. 2. 17,
&c.
De Jure Regni
apud Scor. pro
pe fin.

In Vindic. con-
tra Tyrann.
Quest. 2.

Last of all, the principle of Rising in Armes, particularly in defence of the matters of Religion, and of an Ecclesiastical Uniformity refuted.

Lib. 2. Cap. 5. & alibi.

Lib. 2. Cap. 2. & alibi.

XIII. But because this pretence of Rising in Arms in Defence of Religion, and particularly in opposition to the Laws of an Ecclesiastical Uniformity, in any State, doth use to be the most popular, so consequently the most dangerous to the Publick of any lightly that is pitch'd upon by any Innovators, or Ring-leaders of Sedition (and who will be made further mention of hereafter) in any State: and because that for the Popularities sake of this most specious, and prevalent pretence (the prevalency of which also with the Vulgar will be made further mention of hereafter) it doth use the most frequently to be pitch'd upon, and made use of for the serving the designs of the persons, and in the case mentioned. And, lastly, because also that it will be in vain that an Ecclesiastical Uniformity, and the Laws of it, in any State, should be constituted, if it shall be left free to men, by their Rising against Princes, to break all the bands of obedience both to those and other Laws, either purely at their pleasure, or else (which is in effect, and in this business much at one) when their divers impotent fancies and opinions in matters of Religion particularly, shall lead them to it: therefore we will here, in somewhat a more special manner, and before we pass farther, refute this Principle, and pretence mentioned; and that only by these three Arguments, briefly:

Lib. 1. Cap. 5.

1. That the Publick care of Religion is not (in Humane Societies) the proper and supream charge of any private person (as shall be hereafter evidenc'd:) and therefore he that shall undertake to make use of this extream means of open Rising in Armes for the Publick Safety, and Defence of it (besides the simple sinfulness of the means used) shall introduce himself into another mans Province, and meddle with that which is not required at his hands. If any man say here that he is bound to take the Magistrate upon him; What? in opposition to the Magistrate, and to the use of his Power and Faculties? This will meet with all the difficulties that have been already mentioned; and in the consideration of this case of Rising in the general.

In Alcoran.

2. The undoubted strain of the Christian Religion, particularly, is absolutely against this Principle, and pretence mentioned: (*viz.*) it appoints not propagation of Religion to be made by the sword. That is *Mahomet's* Law, *In Nomine Dei boni viri pugnent: In the Name of God let good men fight*, says he, although not in the case mention'd neither. But the Law of *Christ*, on the contrary, and the main drift of it forbids to do evil, that good may come of it; Commands, by well doing, to put to silence the tongues of evil men; Presseth to humility and patience, and prayer, promiseth the third Heaven and Paradise to Martyrdom, and to such as take up their Cross, and follow their Master; nay, a more weighty, and immortal Crown, and an hundred fold recompence for suffering for *Christ*, and for righteousness sake; and in case of persecution, *Certe ubi*

Supe-

Superiores, ob Religionem, mortem intentant Christianis, Christus fugam concedit; his scilicet, quos officii necessitudo nullo loco alligat; ultra fugam nihil, says Grotius: That truly where the Superiours do threaten death to Christians, for the sake of Religion, Christ doth concede flight, (viz.) to those, whom obligation of duty doth not tie to any place, but beyond flight nothing.

De Jure belli Lib. 1. Cap. 4. §. 7.

3. And Lastly, As by all these things which in the state of this question, have been mentioned already at large on our opponents part (and whether they do derive the affirmation of them, either from the Divine Natural, or Divine positive Law; either immediately, or by consequence; and either as advising, or permitting them) So also by their asserting this principle in particular, they do eminently render Religion in the World inconsistent with Government. And whether this Principle, or the things mentioned be also for the good of all Humane Affairs, comparatively with their contraries belonging to the debate of this question, we shall examine anon.

Hic infra Sect. 17, 18, &c.

XIV. Thus then for the negative part of the Question, that the Magistrates Power is not Authoritatively from the People. And it is but a very poor and feeble conclusion for so great a Doctor as Covarruvias, and others of the Canonists to make, That the Civil Jurisdiction is in the power of the People to bestow, and that from the nature of the thing, says Covarruvias, and the two Laws of Nature and Nations; because men, having the use of their ordinary light of nature in any Society, do easily perceive that a Governour is necessary for the conservation of that Society: As if it were not a great inconsequence, that because Nature dictates the necessity of some Governour over a Society, Ergo, the people must needs have the Power and Act of Constituting him. And when he says afterwards, That, by the same natural light, they discern also that he can be constituted by none other, and not by God; It is false, and a foul begging of the Question. Of the like stamp is that also afterwards, That the Prince is not immediately constituted by God, and that it was by Divine positive Law, that God by his Prophet, constituted Saul, and the other Kings of Israel in their Kingdoms. This is to rob God of his Natural Right, and Power over Men, accruing to him as Creator, and Universal Sovereign, as I mentioned above in respect to matters of Religion. These things then being said, I proceed to the proof of the affirmative part of the Question; That the Magistrates Power is from God, and that more particularly (as I mentioned above) & only from two Topicks, or places of Argument.

The proof of the affirmative part of the Question, that the Magistrates power is from God. *Præfatic. Quest. Lib. Cap. 1. N. 2: §. 1. Ibid. Ibid.*

Ibid.

Ibid.

Cap. 2. Sect. 2. and Cap. 3. Sect. 7.

XV. First, then I will prove it from the whole current of Scripture; and that, first from the Old Testament, and secondly, from the New: But before I come to do this, here is one non-concluding Argument in this matter to be taxed; and that is, of those who barely from the nature of the Magistrates Power, affirm the

First from Scripture.

derivation of it authoritatively, and immediately from God. And that because the Magistrate hath the power of Life and Death ; which it is said, is not in the peoples power to bestow ; and that *jus gladii* must refer to God as the Author, &c. But the argument doth not conclude aright ; and that because that wheresoever the giving up of mens lives may make more for the Glory of God, and the good of their neighbour, then the keeping of them doth ; there, both by the Divine and Natural Laws, they have *potentiam ordinariam*, even, an ordinary power conceded to them of the doing of it: Nay, they are obliged and commanded to do it. *Ἄρα ὃ ἐστὶν χρὴ νομίσεν αὐτοὶ αὐτὴν εἶναι ἡγεμονίαν, ἀλλὰ πᾶσας τῆς πόλεως*, says Aristotle, That neither ought any Citizen to esteem himself to be his own man ; but that all owe themselves to their Country. And fear not them which kill the body, &c. saith our Saviour Christ himself, Mat. 10. 28. and Luk. 8. 35. For whosoever will save his life, shall lose it ; but whosoever shall lose his life for my sake, and the Gospels, the same shall save it. Or else however, and supposing that this were not so yet God might be suppos'd to have conceded to the people, in this fundamental & very extraordinary case, concern'd in this matter, of the erecting of Humane Societies, *Potentiam extraordinarium*, a suitable extraordinary power of the disposing both every one of his own life, and all conjunctly of the lives of others ; and that together with the general character pretended for their conferring the power of Government on Magistrates: So that there is then no absolute necessity, *ex natura rei*, and from the nature of the thing it self, only for the proceeding of this power in criminal and capital causes immediately from God. And the Divine Precept of *non occides*, will not, in the case mentioned, and by the exercise of such power in such causes meritorious, be violated by the Magistrate neither, in the mean time : But so much of this. We return to the evidencing the Magistrates Power to be from God, from Scripture, as was said. And that,

1. From the Old Testament, and the voice of the Divine Law amongst the Jews ; for so it constantly, and plainly asserts. So, concerning the Supream Civil Government in the general ; God exercis'd his Right in bestowing a general Dominion upon Adam and Noah, by taking dominion away from the Kings of the Canaanites, &c. So Psal. 82. 6. *I have said ye are Gods*. So Prov. 8. 15, 16. *By me Kings Reign, and Princes Decree Justice. By me Princes Rule, and Nobles, even all the Judges of the Earth*. And Dan. 2. 21. *He removeth Kings, and setteth up Kings*. What can be more expressly said ? So also in particular, concerning particular persons. So concerning Pharaoh, a wicked King, Exod. 9. 16. *And in very deed for this cause have I raised thee up*. So concerning Saul, 1 Sam. 15. 11. *It repenteth me that I have set up Saul to be King*. And concerning David, 2 Sam. 12. 7. *Thus saith the Lord God of Israel, I annointed thee King over Israel*. And concerning Jeroboam, in relation

Polit. Lib. 8.
Cap. 1. N. 2.

הע סרמין
Constitutus re.

lation to Solomon, 1 Kin. 11. 35. *But I will take the Kingdome out of his Son's hands, and will give it unto thee: and vers. 37. And I will take thee &c.* And so, lastly, concerning Nebuchadnezzar, Dan. 2. 37. *Thou, O King, art a King of Kings; for the God of Heaven hath given thee a kingdome, power, and strength, and glory.* And the like many other Texts might be recited.

2. From the Law of *Christ*, and the voice of it. So in the General, as above mentioned, Rom. 13. 1. *The Powers that be are ordained of God: and vers. 4. for he is the Minister of God: and the like.* So also in particular, as *Christ* himself concerning Pilate, Job. 19. 11. *Thou couldst have no power at all against me, except it were given thee from above, (i.e.)* derivatively from the Supreme Magistrate. And the like other Texts might be mention'd; all which and their Parallel Texts, speak Emphatically of the person of God, as from whom immediatly, and authoritatively, in a special manner, and not only by his general concurrence, and neer Approbation (as our Adversaries say) the Magistrates Power is deriv'd: Neither can they otherwise be interpreted without taking away their significancy, and accent, and putting an impropriety of speech upon them. And if there were but any Scriptures comparably so pregnant on the other part of the Question, as the constant Current of Scripture, we see, is on this; I say again, it would add more credit to the cause of our Antagonists: But otherwise, it is against all reason, and rules of Interpretation whatsoever, to expound what is more evident by what is more dubious; and not rather what is more dubious, by what is more evident.

XVI. Let us come then to the other place of Argument; and that is from the general consent of men, which is a popular Argument, That the Tenent proceeds from the voice of nature alike generally dictating it in them; and that there is no such thing as any Charter for conferring power on Magistrates, neither from the natural, nor the Divine Law, nor that of Nations, neither (as we recited above, was asserted by *Covarruvias*, and other Canonists concerning this Question) conceded to the People. We might instance it in the *Jewes*, amongst whom we have said it is constantly held, That the first Parents were the first Magistrates invested with power of dominion from God, and Nature. And Mr. *Selden* writes it as an Ancient Tradition, which hath obtained repute every where, concerning Noah; That he, as the *Dominus fundi*, after the Flood was Author of the distribution of the World into private Dominions; and that also by the appointment of a voice, or Oracle from God, he did confirm it by his last will and Testament, &c. We might instance also in the writings of the Heathens (some of which we have mentioned already,) and of others aliene from Christianity. But we rather come to the Christian Church; and to see what hath been the temper of that. And that, 1. In it's Primitive writers; and

Supra Sect. 3.

Secondly from the voice of Nature, and Nations.

Hic Supra S. 14. Hic supra S. 4.

Mira Claus. Lib. 1. Cap. 4.

Hic supra. S. 11. Et alibi.

2ly, In the late reformed Churches, and others.

1. In it's primitive Writers: And they did constantly affirme the Magistrates power to be so from God; And that both in the name of themselves, and also of the community of Christians, their contemporaries. So *Justine Martyr*, in his time, in his Apologie to *Antoninus Pius*; Where he sayes, that if they respect not the Christians laying themselves freely open to all the world, they shall have no harm; but they believe rather that every one shall receive according to his works. And poynting at the Emperours, Περὶ ἀρχαίων ὡς ἐλαβόσανται

Apologia secundæ ad Antonin. Pium, circa princip. Et floruit circa Ann. Christi 140.

κατὰ θεῶν According to the measure, sayes he, of Power, which they have receiv'd of God. So *Tertullian* also, in his time, writing to *Scapula* the President of Carthage; *Christianus nullius est Hostis, nedum imperatoris; quem sciens à Deo suo constitutum, necesse est ut & ipsum diligat, & revereatur, & honoret, &c.* That a Christian is the enemy of no man, much less of the Emperour; whom knowing to be constituted by his God, it is of necessity that he should love him, reverence, and honour him. And again, *Colimus Imperatorem, ut hominem à Deo secundum; et quicquid est à Deo consecutum solo Deo minorem.* We Honour the Emperour as a man next to God; and, whatsoever is succeeding from God, as being only lesser then God. And in his Apologetick, sayes he of the Emperours; *Eum Deum esse solum, in cujus solius sunt Potestate, & à qua sunt secundi, post quem primi ante omnes, & super omnes Deos;* That it is God alone, in whose only power they are, and next to whom they are second in the world, and after whom they are first, before all, and above all Gods. The like sayes *Origen*, on the 27th of Numbers; he puts the question to *Moses*, *Quomodo non oras Deum pro ipsis (i.e.) filiis tuis, ut eos constituat populi duces?* How is it that thou dost not pray to God for them (i.e.) thy sons, that he would make them Captaines of the People? And the like *Athanasius*, after him, speaking of the preceeding Christians;

Ad Scapulam in princip. Et floruit circa Ann. Christi 190.

In Apologet ad-versus gentes. cap 30.

Ὁς ὁ θεὸς τῶν πάντων, καὶ ἐκ τῆς οὐκ ἡμέτερας βασιλείας κατεστάμενος, διὰ τοῦ ἀγαθοῦ ἡμῶν Ἰησοῦ, καὶ τοῦ καὶ τὸ βασιλεύοντος ἡμῶν Ἰησοῦ, καὶ τοῦ καὶ τὸ βασιλεύοντος ἡμῶν Ἰησοῦ. That their faith was preserved, even to his time, by Christ; through whom he ruled even to them. And the like *St. Ambrose*, after him, on *Rom. 13.* *Principes hos, sayes he, Reges dicit: qui, propter corrigendam vitam, et prohibenda adversa, creantur, Dei habentes imaginem, ut sub uno sint ceteri:* That by these Princes he means Kings: who are made so on purpose for correction of life, and prohibition of evil, having the Image of God, that all others may be subject to one. And again, *Hoc autem in Seculo rectores ordinavit;* But in this world he hath ordained Governours. *Ideo dicit tributa præstari, vel quæ dicuntur fiscalia; ut subjectionem præstent, per quam sciant se non esse liberos, sed sub potestate degere, quæ ex Deo est:* That therefore *St. Paul* sayes, that Tribute ought to be paid, or that money which goes to the Exchequer of the Prince; that men may performe subjection, by which they may know themselves not to be free, but to live under

In numeror. cap. 27. Homil. 22. Et floruit circa Ann. Christi 220.

In Epistolâ Synodali ad August. Constant. Et floruit circa Ann. Christi 330. In Rom. 13. in princip. Et floruit circa Ann. Christi 380.

der

der a Power, which is from God. And the like St. Augustine, after him, on these words of St. Paul, *Non enim est potestas nisi à Deo*. And the like Theodoret, on the same place of Scripture after him, and elsewhere, speaking of the Power of Government committed to Magistrates, *Quod summus ille rerum Gubernator frangi hujus habenas, tanquam Aurigis, ipsis commisit*; That the great Governour of the World hath committed to them, as it were to Charioteers, the Reins of this Bridle. And the like after him also, St. Cyril, in his book to Theodosius; he begins to him, *Adeo, cujus est summa Celsitudo, vobis, Christianissimi reges, humane claritudinis fastigium, &c. incomparabilibus excellentiis, præ omnibus aliis exurgens, & exaltatum, eximiaq; ac honesta sorte sunt data*. From God, who is the Sovereign Highness, To you, O ye most Christian Kings, is the top of humane Claritude given, rising, and exalted above all other things, by incomparable excellencies, and a singular and good providence. Finally, Let but any of these primitive Writers, of the Christian Church, be viewed in their comments on the 13th to the Romans. And as they do thus affirm on that Text; so, considering the Text it self, who would imagine that they could possibly do otherwise? And so much for the Authentick Primitive Writers of the Christian Church, both the Greek and Latine Fathers.

Expositionis
quarundam pro-
positi. ex Epist.
ad Rom. lib. et
floruit circa
Ann. 400.
De providentia
Dei, lib. 7. serm.
7. Et floruit
circa an. 437.
Libro ad Theo-
dosium, regem
pientiss. &c. &
Floruit circa
Ann. 440.

2. Let us take a voice also of the later Writers amongst us. And that of those also, which are held to be of most Authority, and better reception. The Civil Lawes of Countries, both former, and latter, we shall have occasion to argue from anon. We will produce here the confessions of the several Reformed Churches. See the Title *de Magistratu Politico*: So that of Helvetia, *Magistratus omnis generis ab ipso Deo est; institutus ad generis humani Pacem, ac tranquillitatem; ac ita, ut primum in mundo locum obtineat*. That the magistrate of every kind is instituted by God himself, for the peace and tranquillity of mankind, and so as that he obtains the first place in the World. So again, *Magistratus omnis a Deo cum sit, officium jus (nisi Tyrannidem exercere libeat) præcipuum est; I. Religionem defendere, &c.* That since every Magistrate is from God, his principal office (unless he have a mind to exercise Tyranny) is, I. to defend Religion, &c. And so the Bohemian confession; *Amplius ex sacris literis docetur, Politicum Magistratum esse ordinationem divinam, & à Deo constitutum*. Further it is taught us out of the holy Scriptures, that the Civil Magistrate is the Divine Ordinance, and that he is Constituted by God. And so that of Basil, *Præterea Deus Magistratui, suo Ministro, Gladium, & summam externam potestatem, Bonis ad defensionem, Malis ad vindictam & Pœnam, delegavit*. Furthermore God hath committed to his Minister, the Magistrate, the sword, and the supreme external Power, to the good for defence, to the evil for revenge and punishment. And so the French Confession, *Credimus Deum velle mundum legibus, & polititia gubernari, &c.*

Hic infra, Sect.
19.

Harmon. Con-
fess. Sect. 19.
Ex Helvetica
posteriore, cap.
30.

Ex Bohemica
Confess. cap. 15.

Ex Basil.
Confess. Art. 7.

Ex gallica
Confess. Art. 9

Ex Belgica
Confess. Art.
35.

Ex Augusta-
na Confess. Art.
16.

Ibid. vid. ad
finem Confess.
diſc.

Ideo etiam Gladium in Magistratum manus tradidit, &c. We believe that God would have the world governed by Lawes, and Politie; And therefore he hath delivered the sword into the hands of Magistrates. And so the Belgick, Credimus Deum Opt: Max: ob generis humani corruptelam atque depravationem, Reges, Principes, & Magistratus constituisse; & idcirco Magistratus ipsos Gladium armavit, &c. We believe that the God of Heaven, because of the corruption and depravation of mankind, hath constituted Kings, Princes, and Magistrates, &c. and therefore he hath armed the Magistrates themselves with the sword. And so the Augustane, De rebus Civilibus docent, quod Legitimæ ordinationes civiles sint bona opera & Ordinationes Dei, sicut Paulus testatur, Quæ sunt Potestates a Deo ordinate sunt, &c. Concerning Civil matters, they teach that the lawful Civil ordinances are good works, and the ordinances of God, as Paul witnesseth, That the Powers that be are ordained of God.

And the subscriptions of the Princes to it were,

Cæsarea M. V. Fideles & Subditi.

*Johannes, Dux Saxonie, Elector.
Georgius, Marchio Brandenburgensis.
Ernestus, Dux Luneburgensis.
Philippus, Lantgravius Hessorum.
Johannes Fredericus, Dux Saxonie.
Franciscus, Dux Luneburgensis.
Wolfgangus, Princeps ab Anhalt.
Senatus, Magistratusq; Nurnburgensis.
Senatus Rentlingensis.*

To your Imperial Majestie Faithfull and Subject,

*John, Duke of Saxonie, Elector.
George, Marquess of Brandenburg.
Ernestus, Duke of Luneburg.
Philip, Lantgrave of Hessen.
John Frederick, Duke of Saxonie.
Francis, Duke of Luneburg.
Wolfgangus, Prince of Anhalt.*

The Senate, and Magistracy of Nuremburg.

The Senate of Rentling. So also the Confession of Sax-

ony. Dei beneficio in Ecclesiis nostris hæc pars doctrina, &c. illustrata est: docemus igitur, &c. a Deo institutam esse legitimam gubernationem, &c. By the good Providence of God, this part of Doctrine is illustrated in our Churches: We teach therefore that Lawful Government is from God. And see the expresse subscriptions of the Divines to it. So also in the Swedish confession: Juxta docent nostri Ecclesiastica fungi magistratu munus esse sacratissimum, quod quidem

Ex Saxonica
Confess. Art.
24.
Ibid. in fine.

Ex Suevica
confess. cap. 23.

*quidem homini divinitus contingere possit: unde & factum sit, quod qui gerunt publicam potestatem, dii in Scripturis vocentur: Inlike manner our Ecclesiasticks teach also, that to discharge the Office of a Magistrate it is the most Sacred matter which indeed can be allotted to a man from Heaven; and from whence it comes to pass, that those who have the Publick Power in their hands, are called Gods in Scripture: So that what can be desired more in these things? And where is the mention of the people in all these, either Publick or Private, either former or later writings? And if the Argument of Authority shall prevail, and the common dictate of men shall be thought reason, and to proceed from the common light of Humane Nature in them; then what are a few opponents in the Christian Church (and those only more private persons, and taxable upon many accounts) to all these? And all these, both in their former and later writings which I have quoted, if what they have so recorded, shall be said to be false, must be avouched either to have erred, or else flatter'd Princes, and Colluded with men. And then the Publick Faith of the Primitive Times, and of the Reformed part of Christendom fails (which God forbid) or else their Faith is true, and rightly derived from Scripture. Nay, I appeal, in this matter, to the generality of all Man-kind, of Jews, Heathens, Mahometans (as hath been partly mention'd:) And in the Christian Church, to the generality of Fathers, Counsels, Historians, Lawyers, Politicians, Confessions, School-men, and whosoever else have been of any Received Authority, and so far forth as they have had to do in these things, without being swayed by Corruptions. *Sicut Apostolus dicit, Rom. 13. Omnis potestas humana a Deo est, sayes Aquinas. That as the Apostle saith, Rom. 13. All Humane Power is from God: And, Princeps dicitur solutus esse a Lege, quia nullus in ipsum potest judicium condemnationis ferre: That the Prince is said to be free from the Law, because none can pronounce the Judgement of Condemnation upon him. And so Durand; Prælatio est secundum debitum Rationis, & Divine Ordinationis; That Prelacy is according to what ought to be by reason, and the appointment of God, and the like. And so generally all others, excepting only the Papal Canonists and Jesuites, and the like of that Church, who have dedicated themselves to the depression of Princes, and the exaltation of the Pontifical Chair, and Ecclesiastical Prelacy; and who have been the great broachers of those principles, on the peoples part of this Question, in Christendom; and from whom those few others of the Reformed part of Christendom, whom I have mention'd, have derived them; and men have put them in practise, wherefoever they have desired Innovations.**

XVII. These things then, on both parts of the Question, being thus said; let us come last of all, to dispute the ends of them, and for which they are alledged to be held, and practised by each of

Hic supra §. 4. and §. II. and Sect. 16.

Primo secunda Quest. 96, art. 4, and 5.

In secundum sententiar. Lib. 2. Distinct. 44. Quest. 2.

The tendency of the negative part of the question to the good of Religion, and Humane Society, dissipated.

Sic supra. §. 9.

the parties litigant, (*viz.*) The wellfare of Religion, and of humane society, as was above mentioned, (*i.e.*) of Government also, and of the mutual consistency each of these with the other. And for these ends then it is, that the principles on the peoples part of the question also are said to be intended, and consequently appointed by God to be put in practise.

Cap. I. Sect. 12.

The common good of Mankind, both in respect to Divine and Humane affairs, it is true, is the great end of all Gods Ordinances and appointments, respecting the Publick amongst men: And so it ought to be also of all Humane Laws and practises subservient to those Divine Ordinances, and respecting the Publick in like manner. And, but that every Governour in his Society ought to intend the common good of it, as abovesaid, and as the last end of his Government in this world, there is no doubt of it. And, if he do not Act accordingly, he is accountable for it, both in the Court of Conscience, and in the Court of Heaven. And when the Question of the Princes being obliged, and how far forth to the Laws, is disputed: That he is obliged to the Divine Laws, and to the Laws of Nature, and Nations, and even to the Civil Laws also, by the direction of Natural Equity (although not by any external force or Coaction to be brought upon him by men) it is agreed upon by all both Lawyers and Divines: So Baldus, Bologinnus, Aquinas, Vasquez, Sotus, and others. And therefore Covarruvias doth, in this sense, rightly tax the distinction of ordinary, and absolute power in a Prince: *Potestas absoluta*, says he, *de jure, non est in principe: deinde hæc ipsa distinctio potestatis ordinaria & absoluta in humanis principibus falsissima est*: That absolute power of right, is not in a Prince: And therefore this distinction it self of ordinary and absolute Power in a Prince amongst men is most false.

Ad G. l. §. fin.
feudar. poss. &
alibi.
Ad Auth. C. ne
fil. pro parte.
Prima secundæ
Quest. 96. Art.

Controvers. II.
Iust. Lib. I.
Cap. 26. Num.
12.
De Just. &
Jur. Lib. I.
Quest. 6. Art.

7.
Variar. resolut.
Lib. 3. Cap. 6.
N. 8.
In Orat. ad Ni-
colem. Paulo
post princip.
Eppov &
Hæpov. Lib. I.

And Isocrates, in his Oration to Nicocles, *Οἷμαι ὅτι πάντες αὐτὸν ἐκτρέφοντες, &c.* I think truly, that it is acknowledged by all, that it is agreeable to Princes, that they should free their people from Calamities, and preserve them in welfare, and cause their Common-weales from small to become great. And the Poet Hesiod gives an admonition to Kings, from the elegant Fable of the Hawk and the Nightingale.

Νῦν δ' αἰὲρ βασιλεῦς ἐπὶν γενέσθαι καὶ αὐτοῖς.
Ὀ δ' ἔγχε' ἀνέστηντο Ἀνδρῶν μαυρόδεγ',
τῇ τε μῦθον ἐπέειπεν ἐνὶ χροῖ' αὐτοῖς, &c.

But now I will utter a fable to Kings, although also they are wise:
The Hawk so bespake the sweet-singing Nightingale,
Bearing her aloft in the clouds, being snatch'd up in his Talons:
But the Nightingale did miserably bemoan her self,
Being pierced through with his crooked Talons: and he with imperious words so spake to her:

Un-

*Unhappy Bird ! Why dost thou make a noise ? One much stronger
then thee hath thee now in possession :
Thou goest this way that I carry thee, although thou canst sing so well ;
And I will either make my supper on thee, if I please, or else let
thee go.*

But thou, O Persa, attend to Justice, neither love to do Injurie.

So then, this being said, let us come to the determination of this business, whether it be most for the good of Religion, and Humane Society, (*viz.*) of Government also, and the mutual consistency of them, That the Negative part of our present Question, the Doctrine of the Princes Power it's being from the people, and the other propositions attending it, be held and taught, or the contrary. And I shall prove it concerning the contrary, (*viz.*) that it is most for the common good of Humane Affairs, That the derivation of the Princes Power from God, and the propositions attending on it be held and taught : And that from these following Topicks.

XVIII. First of all, from God himself, his having so stated it in the Scriptures, as hath been mentioned. And it cannot be doubted, but that he hath intended the good of all Humane Society in it : And if so, then infallibly ; and if so also, then infallibly it is so. Religion, and Humane Society are Gods own Ordinances ; and he intends nothing that he hath decreed, to hurt them. *Et enim si concedimus intelligentes esse Deos, concedimus etiam Providentes, & rerum quidem maximarum,* says Cicero : That if we grant the Gods to be intelligent, we grant them also to be provident ; and if so, then most of all as to the greatest matters. And Homer,

The contrary proved, first from Gods having so stated it in Scripture.

De Natura de-
or. Lib. 2.

Οὐ γὰρ ἅγνια ἔργα θεῶν μακάρες φιλεῖσιν,
Ἄλλα δίκην τίουσιν, καὶ ἀίσιμα ἔργ' ἀνδρῶπων.

Odyss. 8.

*For the blessed Gods love not Evil,
But honour Justice, and the fitting works of Men.*

But if it be hurtful to Religion, and Humane Society, that God hath derived the power of Princes from himself only in Scripture ; then God must be said either to have err'd in the doing of it, or else to have intended the hurt of these most excellent things : But the former of these thwarts the conclusion above mentioned, concerning the immutability of Gods Decrees relating to these Grand Ordinances of his in the world.

Supra. Cap. 11
§. Vlt.

XIX. The second Argument is from the general consent of the Civil Laws of Countries amongst men ; which all certainly argue the consent of men who made them ; and which all cannot be judged to be intended for any thing else, but the common good : And that whether they have been fram'd by the Prince himself alone, or

Secondly,
from the Civil
Laws of
Countries,
and their ha-
ving so stated
it also.

De Rom. &
ven. Magistratuum inter se
comparatione.
N. 42.

L. 1. De voto-
re Jure Innu-
cleando, &c.
Novell. ut dif-
ferentes Judices
audire; &c.
Constitut. 86.
in Prefatione.

De Legib.
Dial. 3.

De Legib. &
consuetud. An-
glie. Lib. 1.
Cap. 8.
De laudibus
Leg. Anglie.
Cap. 3.

by the Representative of the people in any Society, as to the matter of them, and passed into Laws by the Prince afterwards. If by the Prince alone, and those his Laws have stood for any time, his good hath been inseparable (whether he hath rationally considered it, or not) from the good of Religion, and his Society, in this matter. If by the Prince afterwards Enacted into Laws, this Community cannot be imagined to have aimed at any thing prejudicial to their own good in it neither. But the Civil Laws of Countries, both former and later, have all generally derived the power of Princes from God, and have taught the Doctrine of the propositions on that part of the Question attending it. So *Romulus* establish'd it by Law (says the Cardinal *Contarene*, out of *Pomponius Latius*) that none should enter either upon the Chief Magistracy, or other, *Nisi Author esset Deus*: So the Roman Civil Law, *Deo adjutore nostrum Gubernante Imperium, quod nobis a Cælesti Majestate traditum est*: God our Helper Governing our Empire, which is delivered to us from the Majesty of Heaven, says *Justinian* to *Tribonianus*. And again, *Ex quo nos Deus Romanarum præposuit Imperio, omne habemus studium universa agere ad utilitatem Subjectorum commissæq; nobis a Deo Republicæ, &c*: Since the time that God hath set us up over the Empire of the Romans, we have taken all care to do all things to the profit of our Subjects, and of the Common Weal committed to us by God. And the like the other Emperours, and in the Old Civil Law. And the Principles following upon this are no where, throughout the whole body of it, permitted to be violated. The like also *Plato* in his Books of Laws, taking pattern (we have reason to think) from the ancient Laws of Greece: He would have the Sovereign power to be conferred upon the Prince by Lot. *Septimum principatum ad sortem aliquam producamus, eam Dei gratia, & felicitate quadam contingere asserentes*: The seventh and last prebeminence let us reduce to some Lot, affirming that to happen to any one by the Grace and Favour of God, and by a certain peculiar felicity. And this even in his elective form of Government; that, although the Lot was cast by men, yet the Sovereign Power was derived, in a special manner, says he, from God. The like also is known to be the common stile of Princes at this day, in their Proclamations, Missives, Edicts, &c. Such and such a one by the Grace of God. By the Laws of England, the King is Reputed next to God. *Omnis quidem sub Rege*, says *Bratton*, & *ipse sub nullo, nisi tantum sub Deo*: That every one is subject to the King, and he is subject to none, but only to God. And, *Fortescue*, nam cum dicat *Apostolus quod omnis potestas a Domino Deo est*; *Leges ab homine conditæ, qui ad hoc a Domino recipit potestatem, etiam a Deo constituuntur*: Dicente Authore causarum, quicquid facit secunda, facit & causa prima altiori, & nobiliori modo. For since the Apostle says, That all power is from the Lord God; the Laws that are made by man,

who

who receiveth power from God for the making of them, are indeed made by God also: the Author of the causes affirming it, That whatsoever the second cause doth, the first doth also in a higher and more eminent manner: And so others. And the King is reputed to be, *Principium, Caput, & finis omnium*: The beginning, the Spring-head, and the end of all things. And the like to these things also might be instanced in, in the other Laws of Countries; especially those of Europe, as their Laws, and Lawyers affirm, and where the Christian Profession is most generally maintain'd. And where is it that any of these do derive the Sovereign Authority from the people; or permit the propositions attending on it, which have been mentioned? And those also that shall do so, must annex this one absurdity to their Act in doing of it (*i. e.*) they must deny that there is any such thing as a Sovereign Prince amongst men.

XX. The third Argument is to be taken from the comparison of the Evil Effects, which are ordinarily to be expected from the peoples part of this Question its being held and taught; with the evils of those cases, if permitted, which our Opponents call cases of extream Tyranny in Princes, and in which regularly (as they say) they concede a rising in Armes against them. And if the Evils to be expected from the peoples part of the question it's being held and taught, be greater then those of the cases of Tyranny assigned, and wherein, according to the Doctrine of our Adversaries, the peoples part of the question should be put in practise; then it must needs follow (even by our Adversaries own confession, and according to their stating their own Case) That it is better for Religion, and Humane Society, that the other part be held and taught, generally, and *per omnia*, in Humane Societies: Let us examine these Opposites.

The third Argument, from the comparison of the evils of the cases of extream Tyranny, assigned by the Opponents; and what are to be expected from the peoples part of the question its being held and taught.

1. The Cases, called cases of extream Tyranny, and assigned as such, by our Opponents, as wherein the people should rise against Princes, depose them, &c. are said to be cases of extream and certain danger in the general. We may resist, says *Grotius*, *In summo certissimoq; periculo*: In extream and most certain danger. Although how that shall be judged of certainly (as it ought to be in a matter of such weight as this is) since it is in the mind and breast of a Prince to desist when he will from Tyranny, will not be so easily determined: But if we enquire further, and ask of what number or quality the persons ought to be, who should be thus in danger; it is answered.

De Jure Belli.
Lib. 1. Cap. 4.
Sect. 7.

1. That *Barclay* concedes a rising to any considerable part of the People; *Populo & insigni ejus parti*: and afterwards, that *indiscriminatim singuli, aut pars populi minor non est damnanda*. It is a strange thing, that *Grotius*, from the danger of one single person, (and that term is not restrained neither to any certain, or definite sort of persons, as being of such, or such a quality; but the contra-

Ibid.

Ibid.

Hic Supra. S.
12. circa med.

Ibid. Sect. 11.

ry is asserted) should state his case so, as not to stick to run the danger of a Rising : But these then are the Cases assigned by him, and others. And although in the general (as hath been mentioned) their exclamations of, *Omnia prius tentanda, That the utmost is first to be tryed*, and the like, are frequent ; yet these particulars do not well accord with them. And the Effects then to be expected from a Princes Tyranny in these cases, are these, (*viz.*) the voluntary, and obstinate transgressing of his duty ; the slaughter of some one, or other single person, or of some part, either considerable, or lesser part of the people : For that a Prince should have the mind to slaughter the whole, or greater part of his Subjects, *Grotius* often acknowledgeth, that it is not to be supposed, when he recites so often, *Sint quibus Imperes ; Let there be those, over whom thou mayst Rule ; And, Vix id accidere posse in Rege mentis compote, qui uno populo Imperet : That that can scarce happen in a King, who is well in his wits, and who Rules over one people only.* And that with of the *Roman* Emperour, *That he had a Sword, that would cut off the neck of the whole Roman People at once*, was but an Ebullition of passion, and an high flown strain, proceeding from a present heat of of Phansie prompting him to speak beyond others.

2. Let us compare then with these things the mischiefs which are ordinarily to be expected from the peoples part of this question its being held and taught : And those are frequent Risings ; so often generally, as Ambitious, Covetous, or the like sort of persons (of which there are always some in all Societies) shall have a mind to Innovate : Those are also the publick desolations both amongst persons and things, which do use to be made at such Risings : Those are the loss of the lives of Princes by massacre, of Nobles in the field : Those are the raising Civil Wars, and that because there are opinions ordinarily for the Princes part, as well as for the peoples, in such a clashing of affairs ; and those caused by all the sorts of motives to them, both by Conscience, Affections and Interests, as well as any other opinions whatsoever. But the mischiefs of a Civil War are far worse ordinarily, then any sort of Tyranny : such are also, by all these things, the perpetual unhinging, and unsettlement of all Humane and Divine affairs, and the like : And finally, the rendring the Christian Religion (which shall be supposed to dictate such Risings in armes in the cases mentioned) inconsistent with Government by all these matters. And it is but in vain, that *Grotius* endeavours to secure those cases by limitations, to be observed by them that Rise ; since the corruptions of men (of which I shall have occasion to speak of on purpose, and more at large hereafter) do not use to act by Rule, and logical distinctions in the world, as was said before in the case of pretences for Rising : and corrupt men (for whom these cases of Conscience amongst others are framed) are supposed generally not to proceed by any thing of Conscience

Infra Lib. 2.
Cap. 5.

Hic supra. S.
12.

science at all: So then, if these evils be greater then the evils of the supposed cases of Tyranny, (if a Prince should be permitted to act them) The Conclusion is, that it is better both for Religion, and all humane Society, that the affirmative part of the Question be rather held, and taught, then the negative.

XXI. Let us come to a fourth Argument for it also; and that is to be taken from the comparison of which of these parts of the question there being held and taught, hath actually, and experimentally been the most occasion of evil to Religion, and humane Society: whether the one, by its having been the occasion of the most frequent, and most destructive Tyrannies in Princes; or the other, by its having produc'd the most frequent, and destructive risings? And who is there, that hath read Histories, and observed this particular in humane affairs, that will not vote the destructions by rising (both as to their quality, and number; and both in respect to divine, and humane affairs,) to have been the greater, and more to be bewayled many to one? Let any one compare these things generally amongst men.

The fourth Argument, from a further comparison of things.

XXII. The fifth and last Argument we will lay down from one more particular Comparison; of which is best to be Governed, and with-held from damnifying the publick (*viz.*) either a Prince, if actually exercising Tyranny, or a multitude, if up in Armes to suppress it? A Prince exercising Tyranny, is a single person ordinarily; A multitude, and the corrupt men in it many: A Prince is a certain definite Person; the Ambitious, or otherwise corrupt men in a multitude many times lie hid, till their designs intended are wrought, and ripened beyond the help and recovery of others: However they are at all times indefinite, because no man is ordinarily to be trusted in a Temptation. It is for the Princes dammage many ways, if he should put a Tyranny in Practice; he loseth his Subjects hearts, and their persons; in both which his strength and safety consisteth every way; he incurs the danger of Risings against him, Assassinations, and the like: But the Ambitious, or otherwise corrupt members of a multitude, are prompted by hopes of getting, and that even the Princes Crown, which doth use to be more valued by such men, then a Crown of Starres in Heaven: And lastly, a Prince may be perswaded (if he be a man of Conscience) by his Divines; If not by them, by others upon the account of other respects, to desist from Tyranny; but there is no dealing with a multitude by any of these ways.

The fifth and last Argument, from one more particular comparison of things.

Ἀπὸν τὸ Πλῆθος, εὖν δὲλα πὶ δόμαχον.

A multitude is a certain untractable thing; and if accompanied with Treacheries, invincible, sayes Euripides. And, *varia sunt hominum Cupiditates & judicia, presertim multitudinis*, sayes Guicci ardine: That the judgments, and affections of men are vari-

Hecuba. Agamemnon. Lib. 16.

ous, especially those of a Multitude. It is better then, that the Doctrine running the hazard of such a Tyranny (and that Tyranny also being forbidden by it) be thus taught, then that the Doctrine running the Hazard of such a rising (and that on the contrary, as a rising, allowed of by it) be taught and practised in humane societies.

The General Conclusion.

De jure belli.
Lib.1. cap.3.
Sect.8.

(1) De laicis, lib.3. cap.6.
(2) Et de Summo Pontifici lib.5. cap.6, and 7. §. Item potest. hic Supra §. 7. in fin. And §. 14. in princip.
(3) Defen. cont. Sect. Anglic. lib.4. cap.17. & cap.9.
(4) De Rege, & regis Institut. lib.1. cap.10.
(5) part.2. lib.11. cap.5.
Interdicti venet. Hist. lib.2. circa med.
Sautarel. Tract. de Haresi, & Sismate, &c. Soto de Justit. & jure. lib.5. Quest.1. Art.3. &c.

XXIII. Last of all, we conclude then, from these Arguments, and circumstances of things compared, concerning this weighty matter of the publick good, and which is proposed as the summe of all the dispute in this Question; That it is better for it, that the Power of Princes be derived from God, then from the people. *Grotius* himself, and others cry out upon the Dire effects that have been in the world, from the Teachings the Doctrine of ordinary Risings. *Quæ sententia*, sayes *Grotius*, *quot malis causam dederit, & dare etiam num possit, penitus Animis recepta, nemo sapiens non videt; which opinion, to how many mischiefs it hath given cause, and being thoroughly received may give daily, there is no well advised man that sees not.* And yet when they have made their distinction of ordinary, and extraordinary Cases, they terme the certain danger of any one single person to be a case extraordinary: and he that will look into the Books of the Canonists, Jesuits, and the like writings of the Church of *Rome* (from whose Towers this shot against Princes came first into Christendom) shall find such casuistical Divinity, such talks of Daggers, Poysons, &c. intended, and bent against those Princes, as would make the ears of any one, considering the weight of such matters, and sincere in Christianity, to tingle. There is to be found the Popes Supremacy over all the World asserted; and all the propositions that lie on the negative part of this Question, for the subverting of Temporal Princes, who, upon any occasion, shall oppose him. So *Bellarmino*: *That all temporal power is (1) fundamentally in the people; But that the Pope hath his (2) indirect power in Temporals from St. Peter*; as also was mentioned above out of *Covarruvias*, and others. So *Suarez* of exemption of Clerks from the Civil Lawes of States, and the like; (3) *Marian* and others. So *Azorius*, of (4) Excommunication of Kings, of deprivation of them of their Kingdomes, after such excommunication of the Subjects being absolvd from their Oathes of Allegiance, of their rising in Armes (such as was endeavoured by the Pope in the case of the interdiction of *Venice*, and hath been in many other States, say their Records) of any mans Assassinating Princes, as Hereticks, and the like things, resolved of by him, and *Santarella*, and *Soto*, and others. And it is no wonder if that great *Italian B: pp.* That stiles himself the Sun (in his Canon Law, and elsewhere) and all Temporal Princes the Moon; If he that dates his own Spiritual Power from *St. Peter*, and the Temporal Power of Princes from the People; If he that affects a Monarchy over the whole World, and wears a Triple

ple Crown, as representing his Almighty power over the three great Kingdomes of Earth, Hell, and Heaven, for the Churches good, as he saith (and loe thus he hath improv'd Religion, and the Office of his Priesthood!) If such an one maintain, or at least connive at the loosness of such Principles, and the leudness of such persons, in the stating the particular Cases concerning them, as hath been mention'd. Last of all, that usual saying of Pope Paul the fifth, that it was chiefly in his thoughts, *Audaciam Magistratum Secularium mortificare*, To mortifie the bouldness of Secular Magistrates; The Doctrine afterwards, in the Case of Venice, published, and allowed of by the Court of Rome, *Potestatem Principum Temporalem subordinatam esse Ecclesiasticæ, eique subjectam*, That the Temporal Power of Princes was subordinate to the Ecclesiastical, and subject to it; The banishment of the Jesuits from the Venetian Territories, for their abetting such like doctrines as these; and in the close of all, the Gunpowder Treason in England (horrid to be recited) And Sr. William Wade's Chimney peece, and Monument in the Tower of London, will be sufficient Testimonies to these things. And in the mean time, what credit is it either for the Scotch or English Presbytery (as is layd to their charg, and their book, and practises are cited to testifie) or others, to follow the Principles of these Churchmen of Rome? So then, having said these things, we have asserted our proposition first mentioned in its latitude of sence intended by us in this discourse, and necessary for the compleating of it; and have so put an end to this difficult and important Question.

See King James his defence of the right of Kings, & elsewhere.

Interdict. Vener. Histor. in princip.

Ibid. lib. 4. paulo post princip.

Ibid. lib. 6. prope fin. In the Dining Room of the Kings lodgings. See the dangerous Positions, sayd to be Bpp. Bancrofts, containing the Sum of these writings and Citations.

R CHAP. IV.

C H A P. IV.

The third Proposition also asserted (*viz.*) that Religion and Government being both so appointed by God, they must needs be consistent mutually amongst men: And that their Consistency explicated, and stated.

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| <p>I. The distinctions of Government (first above mention'd) apply'd to it's Consistency with Religion.</p> <p>II. The distinctions also of Religion apply'd to it's Consistency with Government.</p> <p>III. The distinctions of the Consistency of Religion with Government further</p> | <p>explicated and applied.</p> <p>IV. The Consistency of Religion with Government Prov'd;</p> <p>V. First in the General.</p> <p>VI. More particularly, concerning the Christian Religion in particular.</p> <p>VII. Last of all, the conclusion, and consequence deduc'd from all these things.</p> |
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The Distinctions of Government (above mention'd) apply'd to it's Consistency with Religion, *cap.* 1. §. 8, 9.



I. We have above defin'd Government, both in the General, Special, and Individual: And have said that it is to be considered either as a Faculty, or else in the exercise of it. And when we here treat of it's consistency with Religion, it is meant of such in the exercise of it: And that, either Totally, or Partially; Fundamentally, or in lesser matters. So the Government of the Gentiles, both in Church and State, was inconsistent with the Religion of the *Jews* Fundamentally, and in the main particulars of it. And so the Government of *Jeroboam*, the Son of *Nebat* (so frequently and eminently instanc'd in the Scriptures to have made *Israel* to sin) was destructive of the particular precepts of the peoples Sacrificing solemnly at *Jerusalem*, 1 Kings 12. 28. Whereupon the King took Counsel (sayes the Text) And made two Calves of Gold: and said unto them, it is too much for you to go up to *Jerusalem*, behold thy Gods, O *Israel*, which brought

1 Kin. 15. 30.
1 Kin. 16. 26,
&c.

brought thee up out of the Land of Egypt. And he set the one in Bethel, and the other put he in Dan. Such also was the Government of Ahab, and the Idolatrous Kings of Israel, and of the Kings of Babylon, at the Deportation, and the like mentioned in the Scripture. Such also that of Antiochus Epiphanes, at the time of his Invasion; and that of Vespasian, and Titus, at the time of their Destruction of the State of the Jews; and the like the Governments of others, mentioned by the same Jewish celebrated Historian. Such also was the Government of the Roman Emperours, in respect both to the Jewish, Christian, and some sorts also of the Heathen Religion, both before and after the Crucifixion of Christ. Of Tiberius in his time, of whom Suetonius says, That *Externas Ceremonias, Aegyptios, Judaicosq; ritus compescuit, &c.* He repressed the outward Ceremonies of Religion, the Egyptian and Jewish Rites. And so of Claudius in his time; of whom he says also, that *Judeos, impulsore Christo, assidue tumultuantes, Roma expulit*: He drove the Jews, daily tumultuating, out of Rome, Christ (as he calls him) being the stirrer up of them to it: And that, *Druidarum Religionem, apud Gallos dire, immanitatis, & tantum Civibus sub Augusto interdictam, penitus abolevit*: The Religion of the Druids, amongst the Galls, which was of horrid cruelty, and prohibited only to the Citizens, under Augustus he utterly abolished. And so lastly of Nero in his time, of whom he says also, That, *Afflicti supplicio Christiani, genus hominum superstitionis novae, ac maleficia*: The Christians were afflicted with punishments; a kind of men of an Up-start (says he) and mischievous superstition. And thus all of these particular Governments, either in specie, or individuo; being in respect to these Religions, either in the General, or in some particular Precepts of them, inconsistent with them: But this consistency of Government with Religion, by thus illustrating it from the contraries, I here touch upon only, as falling in my way to other things, it not being the principal design of my Discourse, as hath been before first of all mentioned.

1 K. Cap. 16, 17.

&c.

2 K. Cap. 25.

Josephus.

In Tiberio. §.

36.

In Claudio. §.

25.

Ibid.

In Nerone §.

26.

Supra Cap. 1.

§. 16.

II. Religion also was above defined in like manner as Government: And I distinguished it first into such, either in the general, or special, or individual: And afterwards, into either True, or False: And afterwards again, I laid it down as considered either simply or relatively. In its simple notion, I have spoken of it principally already, throughout the second Chapter: In the Relative I shall handle it more principally both here, and hereafter. And when I here treat of the consistency of Religion with Government, it is meant of it both in the general, and special, and individual. And of the True, totally, and necessarily; and of any False, necessarily also, so far forth as it partakes of the precepts of the true; but only actually otherwise. So the Gentile precepts of Religion, so far forth as they

The distinction also of Religion applied to its consistency with Government.

Cap. 1. §. 2.

Ibid. §. 3.

Ibid. §. 4.

Ibid. §. 5.

they did partake either of the natural or positive precepts of the true, did, either as to the one, or other sort of them, consist necessarily with the lawful particulars of their several Governments. And so the *Mahometan* Religion, in respect to the *Mahometan* Government at this day. And in all Regions in the World generally it hath always been taken a care of, that they should not in any of the Precepts of them, inconsistent with Government. And, if there have been Wars, and Overthrows of Government, and the like mischiefs at any time to Humane Societies hapning by them; it hath been accidentally only, as to the Religions themselves of the Countries, generally, in which such things have hapned, and principally from other causes. Wherefore that saying, with application of it to this business also, hath been true in all Ages; and there are innumerable examples of the truth of it, in all Histories, and Records of Humane Affairs; That, *Nunquam fere sola Religio fuit causa Bellorum, &c.* Never almost hath Religion only been the cause of Wars; But either a more loose and ample licentiousness of living, furnished out by a semblance of Religion; or else an immoderate affection of Ruling, or some such kind of thing; when the foulness of desire, and the unlawful appetency of things not honest is cover'd over, either by a simulation of defence of Religion, or some more honest pretence, by which both many adherents are acquired, and many assistances flock into the design: because there are but very few to be found, who will imbrace manifest dishonesty: And this consistency of Religion, on its part, with Government, is the thing principally intended to be treated of by us, both here and hereafter, throughout this whole discourse, as hath been also first of all mention'd.

Nat. Com.
Hist. Lib. II.

Supra Cap. I.
§. 1.

The distinctions of the consistency of Religion with Government further explicated & apply'd.

Cap. I. §. 13.

Ibid. §. 14.

Supra Cap. 3.

§. 7.

Supra Cap. 1.

§. 14, 15, 17.

Ethic §. 1, 2.

The consistency of Religion with Government proved.

III. The consistency then of Religion with Government I also defin'd above: And distinguish'd it into either Negative or Positive. To consist totally negatively with Government is the least thing that any Religion can do. And, if it do not so, it will not be endured in Humane Societies, nor ever own'd to be true, and from God; since Government is Gods Ordinance (as abovesaid) and taken by all to be intended as the great instrument for the good of all Humane Society. But I shall here proceed further, then to these things, concerning the True Religion; and evince it to be the property of it in particular, to consist not only totally negatively, but also positively and eminently (as was above mention'd) with any Lawful Government amongst men. And to do these two things will be our task in the remaining part of this Chapter.

IV. We proceed then to prove the total negative consistency of any True Religion, in the general, with Government. And afterwards we shall descend to the positive and eminent consistency of the Christian Religion in particular.

V. First,

V. First then, this necessary negative consistency of any True Religion with Government in the general, will be evident from this Categorical Syllogisme, containing the sense of our former discourse concerning these things, (*Viz.*)

First in the general.

Those things which are appointed by God to have a being together in the World amongst men, must needs be in themselves totally negatively consistent amongst them :

But the True Religion is so appointed by God to have such a being, together with government in the world amongst men; Ergo, it must needs be in it self totally negatively, consistent with it amongst them.

The *Minor* proposition in the present Argument is not taxable; and he that will deny the *Major*, and assert any two Ordinances of God whatsoever (such as any True Religion and Government are) to be in themselves, although but in any one single respect, and particular whatsoever, mutually inconsistent in the world; he must needs accuse God himself of a defect in his very act of placing them there. For, if God hath placed things in the world, with an intent of their consisting, and continuance there (as was above concluded concerning Religion and Government,) and is from most weighty and apparent Reasons evident to all that he hath done so (concerning those things) and yet they will not consist; then we must of necessity fall to the taxing his very attributes, which were operative in the placing them there. Where was his omniscieny, that had no farther insight into what he did? Where was his wisdom, that could no better contrive? Or where was his omnipotency, that could no better effect? If he were at any time deficient in these; at that time he had not *the Attributes of a God*: And if he had them not, he was no God; and if there were any time in which he was not a God, it is impossible that at any time he should be a God; without utter confusion denounced, by him that will say the contrary, to all the Right Philosophy and Divinity, that ever concern'd a God in the world. So that it appears in Sun Beams, that he will enervate our present Argument, must in the last result, remove any such thing as a God-head out of the world: but we will not imagine such a strain of Atheism. So then the proof of this Argument in the general, includes the proof of the necessary total negative consistency of the Christian Religion in particular, with any Lawful Government. And it evinceth the like consistency of any present Lawful Government also, either in Church or State, with the same Christian Religion, upon supposition, that the Governours, in whose hands the exercise of such Government is, do proceed rightly, and by right rules, in their administration of it.

*Supra Cap. 2.
S. ult.*

Secondly,
more particu-
larly, con-
cerning the
Christian Re-
ligion in par-
ticular.

De Jure Belli.
Lib. 2. Cap. 20.
S. 49 &c.
Vid. ibid.

VI. We descend next then to the proof of both the positive, and eminent consistency of the Christian Religion with the present Lawful Government in any Society : And that either under the notion either of special or individual. And for that,

1. That it must needs consist positively, will be evident from both its stamping the present Lawful Government, both in Church and State, as hath been mention'd, with Divine Authority, for the rendring of it more Sacred amongst men; and also from its teaching men to be both Good Citizens and Subjects, in all the Duties of the second Table, which are the compleat duties of Humane Society. Many things more particularly might be mention'd : But well saith *Grotius*, concerning the whole System of the Doctrine of the Christian Religion in the general ; *Nihil est in Disciplina Christiana, quod Humanae Societati noceat, immo quod non prosit* : We may be sure of that, That there is nothing at all in any of the Precepts of the Christian Religion, which doth any wayes hurt, nay, which doth not help and profit Humane Society.

2. It's positive eminent Consistency is as obvious to any man : The Christian Religion being the very band and tye of Humane Society. For, whereas the Governour, in his Humane Capacity, can enjoyn the Duties of the second Table, onely under Temporal Penalties ; God doth in the Christian Religion enjoyne them under Eternal : And, whereas the Governour, in recompence to the observation of those Duties, can promise onely Temporal Rewards ; God doth in the Christian Religion, promise also Eternal : And, whereas the Governour can take Cognizance only of the overt, open acts of disobedience to his Commands ; God doth in the Christian Religion also, take Cognizance of the very inward motions of the heart, and first stirrings of it towards such acts of disobedience, *Eccles. 10. 20. Curse not the King, no not in thy thoughts, &c.* saith the Scripture : So that, who sees not, that the Christian Religion hath ribb'd Humane Society with Adamant ; and is the very Cement, and Band, and Bulwark of it, in all respects ; and the Superlative, and most Eminent Help and Support to the present Lawful Governour in any Society whatsoever ?

The conclusi-
on, and con-
fectary dedu-
ced from all
these things.

VII. And lastly then, I have but this one last and short Conclusion and Confectary to lay down from these things : And that is ; That if at any time the Christian Religion doth prove subversive of the present Lawful Government, and by any occasion taken by men from it, in any manner of way whatsoever ; it is from the Errors of those men, and their humane mixtures obtruded upon it, and not from any genuine Rules or Precepts of the Christian Re-

Religion it self. The purer Sun containeth no such Clouds; and the specks shewed in the Jewel are but spots of dirt. God himself, as he would never have appointed a Religion in it self, subversive of his own Ordinance of Government; so he could not ordinarily have expected, that the Kings and Governours of the Earth, if such, and as rational men only, should have received it as his. We proceed then from hence, to other things.

S 2

CHAP.

Secondly,
more particu-
larly, con-
cerning the
Christian Re-
ligion in par-
ticular.

De Jure Belli.
Lib. 2. Cap. 20.
S. 49 &c.
Vid. ibid.

VI. We descend next then to the proof of both the positive, and eminent consistency of the Christian Religion with the present Lawful Government in any Society : And that either under the notion either of special or individual. And for that,

1. That it must needs consist positively, will be evident from both its stamping the present Lawful Government, both in Church and State, as hath been mention'd, with Divine Authority, for the rendring of it more Sacred amongst men; and also from its teaching men to be both Good Citizens and Subjects, in all the Duties of the second Table, which are the compleat duties of Humane Society. Many things more particularly might be mention'd : But well saith *Grotius*, concerning the whole System of the Doctrine of the Christian Religion in the general; *Nihil est in Disciplina Christiana, quod Humane Societati noceat, immo quod non profit* : We may be sure of that, That there is nothing at all in any of the Precepts of the Christian Religion, which doth any wayes hurt, nay, which doth not help and profit Humane Society.

2. It's positive eminent Consistency is as obvious to any man : The Christian Religion being the very band and tye of Humane Society. For, whereas the Governour, in his Humane Capacity, can enjoyn the Duties of the second Table, onely under Temporal Penalties; God doth in the Christian Religion enjoyne them under Eternal : And, whereas the Governour, in recompence to the observation of those Duties, can promise onely Temporal Rewards; God doth in the Christian Religion, promise also Eternal : And, whereas the Governour can take Cognizance only of the overt, open acts of disobedience to his Commands; God doth in the Christian Religion also, take Cognizance of the very inward motions of the heart, and first stirrings of it towards such acts of disobedience, *Eccles. 10. 20. Curse not the King, no not in thy thoughts, &c.* saith the Scripture : So that, who sees not, that the Christian Religion hath ribb'd Humane Society with Adamant; and is the very Cement, and Band, and Bulwark of it, in all respects; and the Superlative, and most Eminent Help and Support to the present Lawful Governour in any Society whatsoever?

The conclusi-
on, and con-
fectary dedu-
ced from all
these things.

VII. And lastly then, I have but this one last and short Conclusion and Confectary to lay down from these things : And that is, That if at any time the Christian Religion doth prove subversive of the present Lawful Government, and by any occasion taken by men from it, in any manner of way whatsoever; it is from the Errors of those men, and their humane mixtures obtruded upon it, and not from any genuine Rules or Precepts of the Christian Re-

Religion it self. The purer Sun containeth no such Clouds; and the specks shewed in the Jewel are but spots of dirt. God himself, as he would never have appointed a Religion in it self, subversive of his own Ordinance of Government; so he could not ordinarily have expected, that the Kings and Governours of the Earth, if such, and as rational men only, should have received it as his. We proceed then from hence, to other things.


S 2

CHAP.

CHAP. V.

To whom the *Charge* and *Right* of the Preservation of the welfare of Religion, and Government, and the consistency of Religion with Government, is committed in Humane Societies. And of the *Means* necessary for the accomplishing and preserving of it, (*viz.*) An *Ecclesiastical Uniformity*.

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| <p>I. The state of the <i>Question</i>.</p> <p>II. The preservation of the welfare of Religion, and Government, and the consistency of Religion with Government must needs be the Charge and Right of some body.</p> <p>III. That it is the greatest Charge of any amongst men.</p> <p>IV. The Negatives stated: And first, that it is not the Charge and Right of any private person.</p> <p>V. Nor the Charge of any subordinate Magistrate.</p> <p>VI. Nor the Charge of the Supream Church Gover-</p> | <p>nour in any Society.</p> <p>VII. The positive asserted, (<i>viz.</i>) to whom the Charge and Right mentioned doth belong; and that is to the Supream Magistrate.</p> <p>VIII. The Conclusive Explications of the Positive part of the <i>Question</i> subjoyn'd.</p> <p>IX. The first Conclusive Explication.</p> <p>X. The Second.</p> <p>XI. The Third.</p> <p>XII. The Fourth.</p> <p>XIII. The fifth and last.</p> <p>XIV. The Conclusion of the First Book.</p> |
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I.  Having thus, in our due manner, evidenc'd Religion and Government to be the Ordinances of God; and that there must needs be a consistency of Religion with Government; we come now last of all to enquire, to whom the charge and right of the Preservation of these things, and their welfare in the world doth belong. And that we shall evidence: First, Negatively; And Secondly, Positively; and sub-joine some farther Explications of this matter.

The State of
the Question.

1. Then, and for the thus stating of this business: The distinction of Religion into true, and false, is here to be recalled; and the consideration of Government both as a Charge, and Right committed to the Governour by God, as was also above mentioned, amongst the distinctions of Government. 2. A Charge is to be defin'd; and it, and the manner of it's being committed to any man to be distinguished. And that is the charge (here meant) of every man, which is committed to him by God; either mediately, or immediately; either generally, or particularly; either more, or less eminently; as we have said, That both the Civil, and Ecclesiastical Governours Charge is committed to them by God: and then by vertue of a Charge it's being so committed to any man; he hath a consequent right to it, and the looking after it. And no charge can be committed to any man ultimately, but by God only; since none else but he hath the Supreme and universal Power of the Disposition of Humane affairs. Whence that saying, *Officium perdam, & Deum vendam?* And a Charge is defin'd under the notion of what a man is bound in Conscience to do; *Officium est, quod quisque efficere debet, pro suæ personæ conditione,* says Cicero. And *nulla vitæ pars; neque publicis, neque privatis; neque forensibus, neq; Domesticis in rebus; neq; si tecum agas quid, neque si cum altero contrahas; vacare officio potest; in eoque excolendo sita est vitæ Honestas omnis; & in negligendo turpitudine.* That no part of a mans life; neither in publick nor private; neither in Court, nor in Household affairs; neither if thou dost any thing by thy self alone, nor if thou contract'st with another; can want matter of duty and charge; and in the looking well after that, consists all honesty of life; and in the neglecting of it the contrary. And a charge so committed to any man's, either Ordinary, or Extraordinary; private, or publick; either Supreme, or Subordinate; and that either in respect to the Person, to whom such a charge is committed; or else in respect to the thing committed to him, and its greater or lesser dignity. And when we enquire here, to whom the charge and right of the preservation of the welfare of Religion, and government, and consistency of Religion with Government doth belong: as to its being such a charge, and right; we mean it of the True Religion primarily, and emphatically; and of the preservation of it's necessary consistency; and

Cap. I. §. II.

Greg. Moral.
lib. 12.
Offic. lib. 1.
Ibid.

*Infralib. 2.
Cap.2. §.1.*

of the false Religion, only so far forth as it is a Politick Instrument, and better then none at all for humane Societies (as will be more particularly instanc'd in anon) and of its only actual consistency; and of Government under the consideration of its being both such a Charge and Right, as was mention'd. And; as to it's belonging to any one as such a charge and right; it is meant also Supremely, and Ordinarily, in respect to the person charged with the welfare of these things; and more particularly and eminently as a Publick Charge, and immediately from God, in respect to the thing so committed in charge.

Religion, and Government, and the consistency of Religion with Government must needs be the charge of somebody.

II. That this Preservation of the welfare of Religion, and Government, and of the Consistency of Religion with Government must needs be the charge, and right of some body in humane Societies; it is demonstrable from two Topicks.

I. First, from the Considerableness of the things.

2ly, From the perpetual dangers that these things are in, both from the infirmities and corruptions of men.

Plautus Trin.

Novi ego hoc Sæculum, moribus quibus sit (sayes he in the *Comedian*) *malus bonum malum*

Esse vult, ut sit sui similis: Turbant, miscent mores mali:

Rapax,

Avarus, Invidus, Sacrum Profanum, publicum privatum habent.

I know this Age, of what manners men are in it: The evil man would have the good man.

To be evil, that he may be like him: The evil men Trouble, and confound all things: the Greedy,

Covetous, envious, account that which is Sacred to be Common, and that which is publick to be private.

*Rom. 13. 4.
Oratione De
falsa legat.*

And therefore all Lawes are made for the Correcting the enormities of these Disturbers of the World. For he is the Minister of God; saith St. Paul of the Magistrate; a revenger to execute wrath upon him that doth evil. And Demosthenes, *nullus est usus Civitatis, quæ nervos, ac vires ad versus sceleratos & injustos non habet.* That there is no use of that City, which hath not Nerves and strength against wicked and unjust men. And it is impossible that either Religion, or Government, or the Consistency of Religion with Government, in their relative consideration, and in respect to the vitiolities, and weakneses of men; should ever be safe, unless some one or other be put in trust to see to the execution of those Lawes, and that the safety of these things be provided for by them.

That it is the greatest charge of any amongst men.

III. The preservation then, and maintaining of the welfare of these things is the supreme and greatest publick charge, in respect to

to the dignity of the thing, of any amongst men. And that because the things given in charge are in themselves the greatest and most considerable of any in the World. And the Charge of the welfare of them also is comprehensive of the care of all Divine and Humane affairs. And the Division of Affairs into Divine and Humane we assigned to be the first and capital Division of all affairs amongst men.

Supra Cap. 1. §. 1.

IV. If the negatives be enquired into then, and whose charge and right it is not, to look after the welfare of these things; First, it is not the charge of any person, or persons purely private: And then it is meant, That it is not ordinarily so: and that because the charge it self is publick: for that any publick charge should ordinarily belong to a private person, as such; it would imply a contradiction, since the publick and private are opposites, and the offices belonging to either are universally different. The offices of the publick person respect, primarily, the welfare of the multitude in common; and of the private only that of particular Persons. *Jus Publicum* (sayes Ulpian) *est, quod ad Statum rei Romane spectat; privatum est, quod ad singulorum utilitatem pertinet.* That the Publick Law, and right is, That which belongs to the state of the Commonweal: The Private, that which belongs to the welfare of single persons. And Isocrates teacheth the distinction of these things; when he commends those orations, *Ὅτι διδάσκουσιν τὰς τε Δυναστεύοντας, ὥς δεῖ τὴν πολλήν χρῆσθαι; καὶ τὰς ἰδιώτας ὥς χρὴ αὐτοὺς ἀρχοντας διακρίνειν*, which teach Princes how they should deal with the multitude; and private men how they should carry them themselves towards Princes. It is true even every private person is oblig'd to promote the welfare of this publick charge, by his Actions every way; But then it is under a general consideration, and in his place, and by his particular actions as a private person; and not upon the account of any such publick charge it's being committed to him as such. And there may also such a rare case fall out, as wherein a private person may be oblig'd to put on the Magistracy: as is laid of Brutus the Consul, in respect to his being a father, in the decollation of his sonnes; That *Exuit Patrem, ut indueret Consulem*; he put off the Father, that he might put on the Consul.

The Negatives stated; and first, that it is not the charge of any private person.

L. Hujus Sui. dii D. De Justitia & Jure.

In Nicocle:

Historia lib. 1. cap. 9.

¶ In the second Place, negatively, it is not the charge of any subordinate Magistrate. And then it is meant Supremely. And that in respect to the dignity of the person. And the reason is, because the subordinate Magistrate hath no power, but what he derives from the supreme as the fountain of Power, as was above mention'd. But in the mean time this doth not hinder; but that the preservation of the welfare of Religion and Government, and the consistency of Religion with Government is the subordinate Magistrates charge less eminently, and subordinately, and as Committed to him by God mediately: and all this as he is subordinate Magistrate.

Secondly, not the charge of any subordinate Magistrate.

Cap. 4. §. 5.

strate; and as such the subordinate Magistrates, in their places, generally, are obliged both to the Supream Magistrate immediately, and to God mediately to look after it. And if they do not execute the Laws that are made in any Society for the preservation and promotion of the welfare of those things, they stand accountable both to God, and the Supream Magistrate; to the one temporally, to the other eternally.

Thirdly, Nor the charge of the Supream Church Governour.

Infra Lib. 2. Cap. 6. §. 5.

Infra Lib. 2. Cap. 6. §. 12, 13; and §. 20.

The Positive asserted (*viz.*) to whom the Charge mentioned doth belong, and that is to the Supream Magistrate. *Hic Supra §. 1. in fine.*

VI. In the third and last place, neither is it the Charge Supreamly of any supream Church Governour in any Society; unless he have the Chief Magistracy, and the Priest-hood conjunct, and united in his person. Which may be, *de Jure*; as will be further evidenc'd hereafter. Only the Ecclesiastical person is obliged, in the mean time, not to invade and usurp the power of the Civil Magistrate: But yet, even in the case of such conjunction of Offices also, the Charge mention'd belongs to such an Ecclesiastical person supreamly only as Chief Magistrate, and not as Priest. And the reason is, because the capacity of Civil Magistrate is Superiour to that of the Priest; as will be evidenc'd hereafter also; and then by consequence, the ordinary power of such a person in the capacity of Ecclesiastical is not adequate to the Charge mentioned: But yet this doth not hinder however, but that this Ecclesiastical Person also (of what degree soever in the Sphere of Government in the mean time) is bound in his station, both to God and the Prince, and in the same manner, as was said of the subordinate Magistrate (the different respects being had only to the different nature of their Offices) to promote the good and welfare of such the Magistrates Charge.

VII. It being deny'd to these that this Charge and Right is belonging to them supreamly and ordinarily in any Society; Let us assert positively to whom it doth so belong. And that also more particularly and eminently, and as a Publick Charge, and immediately from God, in respect to the Charge it self, as was said above; and that is to the Supream Magistrate; And that, as to the True Religion primarily and emphatically; and as to the false, to be kept up rather than none, as we said above also. And this Charge is committed to him, because he is the Supream Publick Person.

Ἐπειὶ ὁ Θεὸς ἐστὶν Ἐμφύτης Θεός,

But the King is the living Image of God:

Sayes Menander: And so he hath Power adequate to the charge put into his hands (*i. e.*) over the whole Society in Common; and in respect both to all Divine and Humane affairs. And therefore, in the Scripture, Prayers are commanded to be made for those that are in (Supream) Authority in special; That under them we may live

[†] Tim. 2. 2.

live a quiet and peaceable life in all Godliness and Honesty. And it is the Periphrasis, by which the Prince of Greek Poets so often design Kings, when he calls them Ποιμένες λαῶν, *The Shepherds of the People*. And the Roman Consuls, that came in the place of the Kings, were so called; Says *Florus*, and the Civil Law; *Ut consuleret se Civibus suis debere meminissent, &c.* That they might remember that they ought to consult the good of their Citizens. And afterwards the Senate and people of Rome Confer'd the Name of the Common Parent of the Country on the several Emperours. So the People inscribed on the Pillar Erected in the Forum, to *Julius Cæsar*, *Parenti Patriæ: To the Father of the Country*. And the Senate and people saluted *Octavius* by the Name of *Pater Patriæ: The Father of the Country*. And *Magistratus est Medicus Civitatis; beneque præest, qui juvat Patriam, aut certe lædit non volens*, sayes *Thucydides*; That the Magistrate is the Physician of the City, and he doth well in his Præbeminence, who helps his Country, or at least doth not willingly hurt it. *Et in hoc serviunt Reges Deo*, sayes *St. Augustine*, *Si in Regno suo bona jubeant, & mala prohibent; non solum quæ pertinent ad Societatem Humanam, sed quæ ad Divinam Religionem*: That in this Kings do serve God in their places; if in their Kingdoms they command good things, and forbid evil, (viz.) not only those, which belong to Humane Society, but also to the Religion of God. So then, as this is thus the Charge and Right of Princes, and particularly to see that Religion be preserved in its consistency with Government; so also on the other hand, they are obliged, both in the Court of Conscience, and in the Supream Court of Heaven, to see that their Government be kept in Consistency with Religion. The Kingly Prophet calls to the Kings, and Judges of the Earth; *Kiss the Son lest he be angry*. And *Christ* in the New Testament; *Whosoever therefore shall break one of these least Commandments, and shall teach men so, the same shall be called the least in the Kingdom of Heaven*. And that this is thus on both hands, the Charge and Right of the Supream Magistrate, it is also further evident both from the Law of Nature, and the Divine Law, and that also of Nations; Who, by compact and general agreement, in relation to these things, treat only with the Supream Magistrates of Countries, as the persons most properly concerned in them. So in all Counsels and Synods Ecclesiastical, Oecumenical, and others; and that even in the Papacy its self; Princes are first solicited by admonition to Assent, and to send their Divines: And their Embassadors come to those Assemblies also, for the declaring, and securing of their several Masters Rights, before the Assemblies themselves be opened, and matters passed Authoritatively in them.

VIII. This then being the affirmative part in this matter; Let us come last of all to subjoyn our further and conclusive explications of it, as was mentioned: And that briefly.

II

IX. And

The conclusive explications of the positive part of the Question subjoyn'd.

Apud Homer. passim.

Lib. 1. Cap. 9.
D. De Officiis
Consulū L. unica.

Apud Sueton.
In Julio. S. 85.
& in Octavio.
S. 58.

Lib. 6.

Lib. 3. super.
Chrysost.

Psal. 2. 12;

The first conclusive, and explicatory proposition.

In Principe
Cap. 4.

IX. And the first of those is, That this Charge then of the Supream Magistrate is Primarily and Principally to be looked after by him : And that because it is his Supream Charge, in respect to the dignity of the thing, and more eminently committed to him by God ; and the greatest of any that can possibly be put into his hands in this world : it containing the sum of all Divine and Humane Affairs, as is said. *Habent Principes, quæ eo pertinent, sayes Cicero, Varios Aetus, & conciliorum, & temporum, in summa rerum administranda ; & hæc gravem curam, diligentiamq; desiderat, quam ipse Princeps sustinet :* That Princes have divers Aets both of Councils and Times, which belong to their Office, in the administering the sum of Affairs ; and this sum of all, which the Prince sustains, requires a great care and diligence for the management of it.

The second.

X. The second Conclusive Explication is, that this great Charge of the Magistrates is perpetually and constantly to be looked after; as the wakeful Dragon watch'd over the Golden Apples of the Hesperides. And that both because God hath appointed Religion, and Government, and the Consistency of Religion with Government, to be kept up, and maintained perpetually in the world, and so long as mankind shall endure in it; and also because these things are perpetually in danger, as hath been mentioned. And there hath been scarce any more prevalent means then the pretence of Religion, by which innovators, in all States, have arrived at their ends; and scarce any Civil War (which is the worst of all Wars) but what hath either been begun, or maintained by it against the Sovereign Prince. All Histories are full of examples in this matter. And the Sovereign Prince in any society had need beware of the like future attempts, as Sea-men of the approach of a Spoute at Sea.

The third.

XI. To these ends then there is a necessity of the Magistrates using the means for his accomplishing them. *Media ordinantur ad finem.* In Gods very having appointed the Magistrate to arrive at the end, he hath implied and included the appointment of his use of the means to that end. And those means he is obliged to use, both as these things are his charge committed to him by God ; and also as they are his Right, and respect his own welfare particularly ; and also as they respect the welfare of his Subjects, and the Common Good, which hath been said to be the last end of all Humane Society.

Supra Cap. 1.
§. 12. and Cap.
3. §. 17.

The fourth.

XII. The consistency of Religion (in its relative consideration) with Government, includes the welfare both of Religion and Government, (simply and separately taken) because by its very being rendred inconsistent with Government (whether imprudently or maliciously, whether being used as a means to serve mens ends or not) both it is falsified, and Government is at least endangered, and always in some degree or other hurt, and perhaps sometimes totally ruin'd.

ruin'd. And in relation to these respects of these things, principally, we treat of them in our following discourse.

XIII. And lastly, the means necessary to be used by the Prince, for the preservation of the welfare of these things in any Society, are the *Laws* of an *Uniformity* in Church matters, in some kind or other in such a Society. And to prove this, and explicate what the *Laws* and *Rights* of such an *Uniformity* are, both generally and particularly, will be the great intent of what we shall say hereafter.

XIV. In the interim we shut up this First Book, with earnest wishes and prayers, That as God hath committed it to Princes to see that Religion consist with Government, so he would direct and inspire them to take that special care, that it behoves them, to see that their Government also consist with the True Religion: And that not only negatively, that it do not hurt it; but positively and eminently, that it may eminently help it. By this they will create in their Subjects minds, a more sacred veneration towards them; and render themselves in their esteem, truly Gods upon Earth. By this they will procure the Divine blessing upon the Government of themselves and their posterity; as God was propitious to many future Generations, for his Servant *Dauids* sake. By this they will deserve the praises of men to accompany them even beyond their Graves: as the blessed Emperour *Constantine* (says the Church Historian) *Etiam mortuus Regnavit*: *Reigned even when he was dead*. He was washed first with the warm tears of his Nobility and People, and after buried in a Golden Coffin; and after, his Statues at *Rome*, and Images in the Coins (like the posthumous *Phœnixes*) sprang from his enshrined ashes. And last of all, by this these Rulers of men will inherit the places of Kings and Princes eternally in Heaven.

The fifth and last conclusive explication.

The conclusion of the First Book. An earnest wish that Princes may take that special care which they ought, to see that their Government consist with the True Religion.

1 K. 2. 33.
1 K. 11. 12, 13, and 32. 36.
2 K. 8. 19.
2 K. 19. 34.
2 K. 20. 56.
&c.
Euseb. de vita Constant. Lib. 4. Cap. 67.
Ibid. Cap. 65. and 69.
Sozomen. Lib. 2. Cap. 32.
Euseb. Ibid. Cap. 69. & 73.

D E

jure Uniformitatis Ecclesiasticæ :

OR, OF THE

RIGHTS

Belonging to an

UNIFORMITY in CHURCHES.

BOOK II. CHAP. I.

The Relation of an Ecclesiastical Uniformity to things Sacred, further, and more particularly distinguished. And that the Ecclesiastical Uniformity is indicated by the Civil.

I. **A**N Ecclesiastical Uniformity, and the rights belonging to it more generally treated of.

II. And first, its relation to things Sacred more particularly distinguished.

III. The more general and extrinsecal Arguments for it

to be fetch'd from things Civil.

IV. The Ecclesiastical Uniformity then is indicated by the Civil, and in what respects.

V. The conclusion of this Chapter.

An Ecclesiastical uniformity, and the Rights belonging to it more generally treated of.

Lib. 1. Cap. 1.
S. 1.

And first, its relation to things sacred more particularly distinguish'd.

Lib. 1. Cap. 1.
S. 2.
Lib. 1. Cap. 1.
S. 19.

The more general and extrinsecal Arguments for it to be fetched from things Civil.

The Ecclesiastical Uniformity then is indicated by the Civil; and in what respects.

Polit. Lib. 8.
Cap. 1. N. 2.

Ibid.

Ibid postea.

Polit. Lib. 5.
N. 20.

I. **T**He distinction of an Uniformity into Ecclesiastical and Civil, having been given above; and the Supream Publick Charge, and Right of the Magistrate, directly in relation to all Humane Affairs, and consequentially in relation to the Ecclesiastical sort of that Uniformity, having been stated by us; we come here to treat more generally of the Ecclesiastical Uniformity, and of the Rights directly belonging to it.

II. And first of all, its relation to things sacred, being more generally distinguish'd of above, is here further, and more particularly to be distinguish'd. And that according to the fifth distinction of the consistency of Religion with Government above given, and which consistency it is said to be intended principally to effect and preserve. And so that relation of it is either fundamental, or not fundamental. Fundamental, in respect to the greater; and not fundamental, in respect to the lesser matters of Religion.

III. The more general and extrinsecal Arguments, for the appertaining of an Ecclesiastical Uniformity to the well being of humane society, are to be taken from the consideration of things Civil, and the state of them in those Societies.

IV. The Ecclesiastical Uniformity then is indicated by the Civil, and from diverse particular considerations of things belonging to it: And that, 1. From the Uniform Administrations of Publick Justice, which do use to be (where conveniently, and without difficulty they may) in Princes Dominions, and from the tendency of them several ways, to the well being of those Dominions. 2. From the usual Uniformities of Language, and their benign tendency in like manner also. 3. And from all such other Uniformities, in such other the like things. The effects of which use to be the generating a greater union of men in their National Combinations; the establishment of a more facile and firm amity and peace amongst them by their so doing, and the like: And that too from the Natural tendency of these Uniformities to these things in their way, and according to their several modes and degrees in which they have been in Countries. *Ἐπὶ δ' ἑνὶ τῷ τῷ πόλει μόνῳ, παρέχον ὅτι καὶ τὰς πόλεις καὶ τὰς ἀρχαίας ἔχουσιν.* But because there is one and the same end proposed by every City to its self (says Aristotle) therefore it is evident that there is a necessity that all should be ordered by one and the same discipline; And that of Common and Publick Affairs there should be a Common and Publick Institution and Administration. For every Citizen (says he further) is a part of the City; And it is appointed by a certain Law of Nature, that of the parts, and the whole, there should be a conjunct, and one only Institution. And elsewhere, again; *Seditionis autem segetem, materiamq; continet gentis, ac generis dissimilitudo; donec ad unam similitudinem, & consensionem populus adducatur:* That the dissimilitude of Nation and Kingdom amongst

amongst a people, contains the occasion and matter of sedition, until the people be reduc'd to one and the same likeness and consent. And all Histories are full of the instances of these things. *Græcanicis Institutis* (says *Herodotus* of the Egyptians) *uti recusant, & (ut semel dicam) nullorum hominum aliorum institutis uti volunt*: That they refused to use the customes of Greece; and briefly, they would not use the customes of any other men. And, *Pænorum multæ sunt, & variæ nationes; quarum pauca Regi obtemperabant; pleraq; Darium contemnebant*; That of those Affricans there were many and various Nations; of which but few did obey their King, and most did contemn *Darius*. Finally the defection and breaking off of the several parts of the Roman Empire; and the like examples of the consistency and inconsistency of Homogeneous and Heterogeneous National Societies in other Histories and Affairs, will be sufficient instances of these things.

V. But so much for these things here. And we shall come to prove the beneficialness of an Ecclesiastical Uniformity to humane societies by more intrinsecal Arguments, and from the causes and effects of it severally, hereafter; and as we can make our way to those matters, and the declaration of them through other thiugs.

In Euterpe,
Circ. Med.

In Melpom.
propo fin.

The conclusion
of this
Chapter.

CHAP. II.

The *Healthfulness* of Religion to Humane Societies. The ordinary *Causes* of Religious *Contests* assigned : From thence the necessity of some *Unity* to be held, as to matters of Religion. The benefits of *Charity* and *Peace* ensuing upon it; and how much they are commanded in *Scripture*.

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| <p>I. THE Healthfulness of Religion to Government, and Civil Society, evinc'd.</p> <p>II. Therefore all Atheism, and lesser degrees of Profaneness to be expelled out of humane Societies.</p> <p>III. Publick Contentions about Religion a grand cause of these things amongst men.</p> <p>IV. The lawfulness or unlawfulness of Religious Contests stated.</p> <p>V. The ordinary causes of unlawful Religious Contests assign'd.</p> <p>VI. The first ordinary cause of such unlawful popular contentions.</p> <p>VII. The second ordinary cause.</p> | <p>VIII. The third ordinary cause.</p> <p>IX. The fourth ordinary cause of such Religious contests.</p> <p>X. From hence the necessity of some kind of Unity to be maintain'd in matters of Religion.</p> <p>XI. Unity the Mother of Charity and Peace.</p> <p>XII. A distinction of Charity.</p> <p>XIII. The benefits of Charity and Peace amongst men to the Christian Religion.</p> <p>XIV. The benefits of them to Government.</p> <p>XV. The benefits of them also to the consistency of Religion with Government.</p> <p>XVI. And lastly, how much they are Commanded in Scripture.</p> |
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AN Ecclesiastical Uniformity then relating thus to Religion, and the matters of it; and being after this manner indicated by the Civil; the healthfulness of Religion to Government, and Civil Society will be easily acknowledged. And that whether it be of the True Religion, by its procuring the Divine Blessing upon these things, and by its being so eminently helpful to them otherwise, as I have said; or of any false, if it be but even by its accustoming men to the exercise of Conscience towards a Deity; or so far forth as it partakes of the Natural Precepts of the True, and in its other Precepts consists with Government negatively at least, as hath been supposed; or as to its being better then none, by its procuring temporal blessings in its way and measure from God, and in many other respects. 'Tis that that *Pomponius Mela* sayes of the *Druids* amongst the *Galls*. *Unum ex iis quæ præcipiunt, in vulgus effluit; (videlicet) ut forent ad Bella meliores; æternas esse animas, vitamq; alteram ad manes:* That one of those things which they did teach, did fly abroad amongst the Common people (viz.) That they might be the more fit for War; That the souls of men were immortal, and that there was another life to be expected in another world. And such and the like are the natural effects of any thing, but so much as apprehended under the notion of Religion, on the mind and actions of men: And therefore *Aristotle* (and the like all other Commentators on Government) accounts Religion to be the chief thing, without which a Civil Society cannot subsist. *Quintum vero, ac præcipuum, says he (viz.) necessarium ad Civitatem) est sacrarum, ac divinarum rerum cura, quod Sacerdotium nominant:* The first and principal thing necessary for the preservation of a City, is the care of Sacred and Divine things, which they call the Priest-hood. And therefore he cautions further, That the Priest-hood, for that very reason, is to be committed only to fit and able persons. And these and the like things have been acknowledged concerning Religion in all Ages, and by all wise and discerning men. *Lycurgus* the ancient Law-giver of the *Lacedemonians*; when he was asked, Why he appointed so small things, and so little of value to be offered to the Gods (as the Law of *Moses* also appointed the poor womans Offering for purification, a paire of Turtle Doves, or two young Pigeons, *Levit. 12. 8.* and the like) He answered, Because we should never cease to honour them. And in the Old Civil Law, *Pomponius* says, that to be of some Religion is the Law of Nations. And, *Pietate adversus Deos sublata, fides etiam, & Societas humani generis, & una excellentissima virtus Justitia tollatur necesse est,* says *Cicero*. That, Piety towards the Gods being taken away, it will necessarily follow that both all Faith and Society of man-kind, and together with them the most Excellent Vertue Justice, be taken away also. And,

The healthfulness of Religion, to Government & Civil Society evidenc'd.

Supra Lib. 1. Cap. 4. §. 3, 4, and 6.

Lib. 1. Cap. 4. §. 3. and 5.

De orbis situ Lib. 3. Estima Galliarum Ora.

Polit. Lib. 7. §. 41. Cap. 8.

Ibid. Lib. 9. §. 43.

Plutarch, in Lycurgo. L. Velut. F. De Justitia, & Jur. De natura Deorum, Lib. 1.

Pro Plans,

Pietas

Lib. De una
Religione.

Eugubinus
Lib. I. Contr.
Vallam.

De Ethioptum
morib. Inaliis.
lueris Impera-
tor. ad pontif.
Roman. Script.
An. 1524. De
Abassinorum ve-
bus, lib. I. Cap.
20, 21, &c.
In Confess. fidei
Ethiop. post
medium.
De Tivorum
morib. Epito-
me. Epistola
nuncupator.
& De Templis
seu Meschitis
eorum. In novo
Rational. Di-
nor. offic. lib.
I. cap. 67, &c.
De ritibus Ec-
cles. Cathol.

*Pietas fundamentum est omnium virtutum, parentem ut Deum ve-
reri &c.* That Piety is the foundation of all virtues, of the ho-
nouring one's Parent as a God, &c. And, *Nunquam usquam respub-
lica stetit sine specie aliqua Religionis*, says Lipsius; *Quanta igitur
veræ illius vis est, cujus umbra sustinet hanc molem?* That never
any Common-wealth stood without some shew, at least, of Religion; How
great is the force therefore of that True Religion, the very shadow of
which supports so great a weight? And, *nihil melius in terris homi-
nes habent ipsa pietate: est enim Religio dux in Cælum, in Terris
autem fons Justitiæ; qua bene, beateque res humana Gubernantur.*
That men have nothing better in this world than the thing called Pie-
ty: for it is the guide of them to Heaven, The fountaine of Justice
in the Earth; and by which humane affairs are well and happily go-
verned. And the like all the Ancient and famous wise men of the
several parts, and Ages of the world have taught. So the Socratick
Philosophers, and the later followers of Plato: so the Ancient
Caldeans; The Brachmans amongst the Indians; the Persian Magi;
The Greek Theologists; their Poets and others; all the writings
and precepts of these men have ever asserted Religion as the Sove-
rane Balme of humane Society. And because of this so great health-
fulness of Religion it is; that all Lawes, as well as purely out of
that primary respect which is due to God; have both comman-
ded and countenanc'd those things which have made to the uphol-
ding the publick esteem, and honour of it; and also have prohibi-
ted and punished all those things, which have detracted from it
in any Society. So, amongst the *Abassines*; the Ceremonies of the
Emperours and his Nobilities going in Proceßion to the Church
on certain dayes; Their falling down on their knees there;
Their adoring the Cross, and the like; and the People's entring
not in at any time, but having first put off their Shooes; and the
like many other things, for the promotion of the popular esteem
of Religion, are recited by *Damianus Goes*, *Godignus*, *Chytraus*, and
others. And the like also by *Georgieviz* amongst the Turks. And
the like by others which are in use also in other Churches. And
the like account do *De Rubis*, *Durantis*, and the other Rationales of
the Church of Rome give of their too numerous company of Cere-
monies: and under the Law of *Moses*, God himself appointed those
of the Judaical Church for this end mention'd, and such others. To
this end also amongst others, have all Priviledges and Immunities
been conferr'd on Ecclesiasticks. Those so conferr'd by *Moses* his
Law, and amongst the Heathens of all Countries, and in the Chri-
stian Church. The Code and Novels of *Justinian*, and the *Theodo-
sian* Code are full of them. The like are to be seen in the Lawes
of *Charlemaine*, and which are in use at this day amongst the *Russi-
ans* and others, and conferr'd on Church-men, and Churches: and
the like also have been the ends of the Celebration of Publick Fe-
stivals

stivals of all sorts. And lastly, this is one great end of the Celebration of all Sabbath's (whether real, or pretended) in their several kinds. Of the *Friday's, Saturday's, and Sunday's*, at this very day, amongst the *Jewes, Christians, and Mahometans*. And last of all, God himself appointed *Moses* to exercise his very Political Government by the Divine Lawes and dictates of his own mouth: and the Persian, and Turkish *Mahometans* Govern by their *Alcoran* pretendedly in like manner: and the Church of *Rome* by it's unwritten Traditions, in a great part, at this very day. And as these things have been Constituted for the upholding of the honour of Religion positively; so negatively in the same manner also, have all things been prohibited which have detracted from it. By the Divine natural Law of *Moses*, the Blasphemer, the Idolater, the person having a familiar spirit, the Wizard, the Witch, and the like, were to be stoned to death. And as *Bertram* and others vulgarly observe; these weightier causes; as respecting the Civil State, as well as purely the Ecclesiastical; were determined by the seventy, and the chief magistrate presiding, and swaying ultimately in the determination of them. Next to *Moses*, the like humane Lawes are advised by *Plato*, in his books of Lawes. He gives Charge, *That the Citizens of his Commonweal; That they may the better obey their Governours; be instructed in the Doctrines of Gods vengeance on those that do ill, and of his favour and good-will towards them that do well.* And he condemns Sacriledge to death, and the like. If we look into the Christian Church, in the first place those Ancient Canons called the Apostles depose, and excommunicate either Clericks, or Laicks; who should practise any Rites of the *Jewes* or Gentiles. So also the Roman Civil Law pronounceth it to be *Crimen Publicum*, a Crime against the Publick. So much as to take knowledg of the Pagan Superstition: and as such a Crime it condemns the Doctrine of the *Manichees*, and *Donatists*, and gives the reason for it, *Quia quod in Religionem divinam committitur, in omnium fertur injuriam*; because that which is committed against the Religion of God, is an Injury done to all. So also it prohibits the Heathen *Auruspices*, *Augurs*, Soothsayers, the Mathematicians of those times, *Caldeans*, *Magicians*, *Inchanters*, disturbers of the Elements, and the like; as *Moses* his Law doth. It forbids Blasphemy, prophane Swearing by the Haires of the head, and the like usual Oathes of the times, as the New-Testament doth. The Lawes concerning these and the like things, are to be seen up and down in the Code, and Novels, and the subsequent parts of the Body of the Law. And the Doctors say, that as Heresie is to be punished any where, both because the Heretick sinneth against God, who is every where, and also because whithersoever he goeth, retaining his obstinacy, there still he sinneth; so also that it is to be punished upon both accounts, and as a mixt fault, both against God immediately, and also

lib. 1. cap. 24.
Et alibi passim.
vid. Capitulum
Caroli Mag.
&c.
Lib. 1. L. De
confugio ad
Eccles. &
passim.
And Fletcher-
er's History
of Russia,
Chap. 21.
prop. fin.
Vid. *Mosen*
Kotsens in Sa-
bedirajol. 188.
Col. 4. And
Levit. 24. 16.
Deut. 17. 2, 3, 4;
5. Deut. 13. 6, 7;
8, 9, 10. Levit.
20. 2, 6, 27,
&c.
De Repub.
Hebræor. cap.
6. & alibi.
De legib. Dial.
4.
Ibid Dial. 9.
Vid. Can. 69,
70, 71, 72.
L. Nemo eas
C. De Paganis,
& Sacrificiis,
& templis.
L. Manicheos
scilicet Maniche-
as; C. De He-
reticis, & Ma-
nicheis, & Sa-
maritis.
Vid. C. lib. 9.
De maleficiis,
& Mathematicis.
& Ceteris si-
mil. L. Nullus;
& L. eorum;
& L. nequos; &
L. multi, &c.
Et Novel. 77.
in Prefat. &
Cap. i.
Et Imperator
Leonis Con-
stitutio. 65, &c.

Disputat. lib. 1.
Cap. 12.

Ibid cap. 13.
Cap. 14. cap. 15.

Therefore all
Atheisme, and
lesser degrees
of prophanes
to be expel-
led out of Hu-
mane Socie-
ties.

De legib. Dial.
10.

De legib. Dial.
10. in princip.

De iure belli,
lib. 2. cap. 20.
§. 45.

Publick con-
tentions about
Religion a
grand cause
of these
things a-
mongst men.

Infra lib. 2.
cap. 5.

C. De Summa
Trinitate. L.
nemo Clericus

the Civil Magistrate. And the like have been the Lawes of the later Christian Princes in their Dominions generally. And *Machiavil* spends a good part of a Chapter upon the proof of it; how much Religion makes to the conservation of the Commonweal; And that it was the cause of the Imperial power it's failing in *Italy*, because of the innovations of the Roman Religion. And he instanceth in the Heathen Romans, their often-times (although he should have added wickedly, even as to their false Religion) using their Religion as a Politick Instrument, in the times of Sedition at home, and Warres abroad. And the like many other things might be say'd to this purpose.

II. These things then being so, no man will doubt but that all sorts of Atheisme, and lesser degrees of prophaneness whatsoever, are rightly to be expelled out of Humane Societies; and that all the causes of these things are, in order to it, to be removed; and the contraries to them to be established. Of Atheists *Plato* assignes two grand sorts amongst men; the one the secret and hidden Atheist; the other the open and declared. And because the Cognizance of man cannot reach to the secret one, therefore he is necessarily to be left to God; and the open one is to be extirpated by Humane Lawes. There are also opinions concerning the Deity which amount to as much as direct Atheisme; such *Plato* recites to be that of Gods not taking any care of Humane Affairs; and that of his being easily pleas'd, and propitiated in case of Sin. The like of late *Grotius* and others recite also, instancing in these things. And other lesser degrees of Prophaneness there are, both in thought, and external Action; and the causes of both are to be removed, although the things immediately cannot.

III. Many then are the Causes of these Enormities amongst men. And, amongst others, in an especial manner, ordinarily, all open, and publick contests about Opinions in matters of Religion. Nam *Ecclesie dissentionem quovis malo graviolem sentio*, sayd Renowned *Constantine*; That he thought Church dissensions to be the worst of evils to a Common-weal, and that for this very reason mention'd amongst others. The matter of such Church contests then may be either just, or unjust; But as to the manner of holding of either, If vulgarly and popularly permitted, they ordinarily fail not to produce those Enormities mention'd: and that partly through the Infirmities, and partly through the Corruptions of men; Both which two Grand causes of all Mischiefs in Humane Affairs will be more particularly treated of anon. The Emperor *Marcianus* therefore gives the very Reasons mention'd of his forbidding these Contentions. *Nemo Clericus, vel Militaris, vel alterius cujuscunque conditionis De fide Christiana publice, turbis Coadunatis, & Audientibus, tractare conetur in posterum; ex hoc Tumultus, & perfidia occasio-nem requirens.* That none, neither Clerick, nor Military man, nor
of

of any other condition whatsoever should endeavour, for the future, to handle any matters of the Christian Faith, with Companies gathered together, and hearing of them; and from thence seeking occasion of Tumult and Treachery. And so the Emperours Leo and Athemius, concerning those that were permitted to go forth of their Monasteries.

Caveant autem hi, qui ita exhibunt, ne de Religione, vel Doctrina disputent; vel conciliabilis præsint, vel, turba concitata, simpliciorum animos seducant, &c. But let these beware, who shall so go forth, that they do not dispute concerning Religion or matter of Doctrine; or that they do not head private Councels, or stir up Companies, whereby to seduce the minds of the Simple, &c. And we shall come to describe, and evidence more particularly hereafter, how much such Religious contests make to the hurt both of Religion, and Government, and the consistency of Religion with Government.

L. Qui in Monasteriis C. De Episcop. & Clericis.

Lib. 2. cap. 7. ad finem.

IV. In the interim, contentions about matters of Religion, in the general, are taken either in an ill, or good sence; and so are accordingly, either lawfull, or unlawful: And that either as to the matter contested, as was said just now, or the manner of contesting it. And as to either Lawful, when they make either to the confounding of Hereticks; or the clearing, and advancing of the Faith: and Unlawful, when the contrary. And so the Imperial Lawes determine in this matter. But then the respects which such Contentions bear to Government, and Religions consistency with it, as well as those which they bear to Religion simply taken, are to be supposed to be understood in this determination also.

The lawfulness or unlawfulness of Religious contests stated.

V. The causes of such ordinarily unlawful contentions then, as we have mention'd, and which are ordinary and common amongst men, and therefore proportionably to be watched over by the Governours of all Societies, are these that follow.

The ordinary causes of unlawful Religious contests assign'd.

VI. First of all, the false application of the Immortal Notion of Religion to things, (*i.e.*) when they are taken, and voted to be matters of Religion in a more eminent Notion than they deserve, and are prosecuted with zeal and violence accordingly: And that whether imprudently, and out of Ignorance; or maliciously, and for evil ends, it matters not; so long as, both wayes, they are so prosecuted with Zeal, and consequently such a cause of Contention. And these Contentions about such matters of Religion (and as all other) are ordinarily very sharp. So Zaga Zubo in his Confession of the Ethiopian Faith, recites it concerning the Portugals, their branding his Country-men with the names of Jewes and Mahometans; because of some differences of theirs about Circumcision, and the Sabbath.

The first ordinary cause of such unlawful popular contentions.

In Confess. fidei Ethiop. apud Damianum d. Goes.

And Cromerus recites the like, concerning the Russians hatred of the Romanists; *Istant nihil commune habere velint cum Latinis*, That it is such, as that they will have nothing common with the Latines, as they call them. And Johanner Boemus Aubanus Teutonicus, concerning the Tartars, that, *Papam, Christianosque cunctos Canes appellent,*

Poloniae lib. 1. prop. fin.

De omnium Gent. Morib. lib. 2. De I. maria.

Annal. Turcic.
lib. prope fin.
¶ in supple-
ment'o Annal:
in quarto, circa
med. pag. 134,
135, 137, 138.

R. David, So-
phon. 1. 8.

Joseph. De bell.
jud. lib. 2. cap.
12. Philo, de
vita Contem-
plativa.
Joseph. ibid.
Philo. ibid.

Euseb. lib. 5.
Cap. 22. 23.
Sozom. lib. 1.
cap. 14. Euseb.
ibid. cap. 24.

lent, they call the Pope, and all Christians Doggs. And the like *Leunclavius* concerning the Turkish and Persian *Mahometans*, that their differences about their Prophets are the ordinarily assigned causes of their mutual wars; That they burn the Books of one another; call one another Hereticks; and that it is a Maxim pronounc'd by the Turkish *Musti*, and held popularly amongst the vulgar, That *it is more acceptable to God for a Turkish Mahometan to kill one Persian then seventy Christians*. And such as we have mention'd, are the Contentions many times in the bowels of the same National Church, and about things either indifferent, or dubious, or else very remote from the Fundamentals of any Religion; (either True or False,) and so accounted to be by all but those that kindle the flames about them. Such were the differences betwixt the Sects amongst the *Jewes*; some of them mentioned in the New Testament. So the Pharisees used peculiar kinds of Apparel, and Habits; They would not eat till they had washed their hands, *Matth. 15. 2*. They washed their Cupps, and Potts, Brazen Vessels, and Tables, *Mark 7. 4*. They wore broad Phylacteries, and the like. And the Sadduces and others differed from them in such things. So the *Essens* wore white Garments, drank Water, bound themselves by an Oath to preserve the names of Angels, kept seven Penticosts in the year, and the like. The like Contentions also have been in the Christian Church; nay, they have cost Christendome more blood, then the Martyrdomes have done. Such were the Contentions in the Primitive times of it's prosperity, under *Constantine*, and the following Emperours, and mention'd in the Catalogues of Heresies, and by *Eusebius*, and others, in their Ecclesiastical Histories. Such those, about the time of observing *Easter*, about the manner of Fasting; for difference in which *Victor* the Roman Bishop excommunicated no less then all the Churches of *Asia*; and the like. Such are those also amongst the remoter Regions of Christians at this day (*viz.*) the Greek Church, the *Moscovians*, *Russians*, *Jacobites* of *Syria*, *Palestine*, and other places, concerning the Celebration of the Sacrament with unleavened bread; concerning Carved and Massy Images; the substance of Angels; and the like. Such also have been the late Controversies nearer home about many points in Church Government, and concerning the modes of service, and the like. But I need not say any more for the evidencing this matter, since it is sufficiently observable from the experience of all Ages, concerning the Heresiarks in several Countries and Churches, when they have had any Heresie to spread, or any ends to serve in a schisme; That they have not thought they have done enough, unless, besides the grand Heresie of their Sect, they have had also certain differences in lesser things (cry'd up for greater) by which to distinguish their parties, and to keep them at a more compleat and farther distance from others. So *Mahomet*, as hath been mentioned, besides what

he

he hath done in the grand assertion of his Prophetical Office, hath distinguish'd himself also by many other things, from the followers of Christ. So also the Church of *Rome*, besides what she hath done in the derivation of the fundamental Papal Rights from St. *Peter*, hath distinguished her self from other Christian Churches by other lesser matters, and the like. And the like other instances might be given. The Disciples of *Christ*, in the New Testament, have enjoy'd moderation and meekness, and the like, in case of difference about such things, *Phil.* 4. 5. *Gal.* 6. 1. and forbidden doubtful disputations before the weak, *Rom.* 14. 1. But men have prosecuted them with Fire and Sword: But yet here is a distinction to be made of Doctrines inconsiderable in themselves, and such as are made considerable by accident in any case. Such may be the lesser Doctrines in any Church, when the Churches Lawful Authority and respect, that is to be given to their Government, depends upon the defence of them. Such may be also the Doctrines contested either in Churches, and more particularly by the members of them mutually; or by Churches, and betwixt them more publickly: But in either case, however they ought not to be so unlawfully contested, as we have said, and to the greater prejudice of the common good of humane affairs.

VII. In the second place; the second ordinary cause of such contentions amongst men, is the great variety of opinions, that is amongst them, especially amongst the vulgar, and more illiterate, heedless sort of men, if they come once to sit in the chair of Judgment: And all that variety prosecuted by as various and contradictory sorts of Zeal also. And this, both variety of opinions, and of prosecution of them ever hath been, and ever will be, when occasion is given for it: And the causes of it shall be assigned hereafter. In the interim, while every single person almost, accompanied with such zeal, opines differently from another; it is no wonder if the buckler be taken up on all hands, and that actual contests arise, if opportunity be given for their arising, and it be permitted by Authority in any Church to be so. But in the mean time, as to the Scripture, in this matter (although some things in it be hard to be understood, (*2 Pet.* 3. 16.) yet it hath declared (as St. *Augustine* says) the Doctrine necessary to Faith and Manners, so plainly, as that by comparing of Scriptures, and the diligent use of a mans Reason, and of the other means which God hath prescribed in this case, (for these things are required) the natural knowledge of them may be certainly arrived at. And any Church also is supposed, in its setting forth of any Rule, or Canon, or Doctrines, according to its occasions, to declare the sense of Scripture in all things in it, as plainly as it can: But however, all men are not capable of making the due use of these, or the like means of information: And generally they do, and ever will differ in their opi-

*Supra Lib. 1.
Cap. 2. §. 7.*

The second
ordinary
cause.

*Infra Lib. 2.
Cap. 7. §. 6.
Et alibi.*

*De Doctr. Christi.
Lib. 2.
Cap. 6.*

ons, both concerning these and other things.

The third ordinary cause.

VIII. Let us come to the third cause of these contentions, and that is, the mixture of mens private passions with their zeal, in such matters of Religion; Their passions of Pride, and Ambition, Anger, and Revenge, and the like : and these are enough (like *Phaeton's* Chariot of the Sun) to set all the world on Fire. And this mixture happens either at unawares, and men not discerning it; and so sometimes to the very best of men; as the Divine Apostles themselves, in their seeming zeal, in the Scripture, would have called for fire from Heaven, as *Elias* did : Or else men entertain it voluntarily and knowingly; and so both evil and good men also, through humane infirmity, and the prevalency of their passions over them, frequently do. And in either of these cases, how much men use to differ mutually in affection, as well as in opinion, the World sufficiently knoweth. The wise man saith, that, *through pride cometh contention*;

Prov. 13. 10.

And,

Senec. in Thyest. Chorus.

*Ira, cum magnis agitata causis,
Gratiam rupit, cecinitq; bellum;
Otium tanto subitum e tumultu
Quis Deus fecit?*

*When Anger, being stirred up by great causes,
Hath broken off all Amity, and founded the Allarum to War;
What God is there, that hath made a sudden quiet
Out of so great a Tumult?*

The fourth and last ordinary cause of such Religious Contests.

IX. The fourth and last cause, ordinarily in the world, of such Religious contests then, is yet greater then any of these; And that is, the mixture of mens worldly interests with the defence of their opinions, (*viz.*) of those their opinions, whether they be taken up only pretendedly, and in order to the promoting of such interests, or else have any real being in men, and those interests do mix only by the casual concurrence of affairs with the defence of them. But yet still in either case, what more potent charms to throw men into contentions, then those interests so mixed are? Is it not mens love to these things, that hath power to delude them into a change of their opinions? (as the wise Author of the History of the Council of Trent saith, That, *Thus it happeneth, as in humane affairs, so in Religion also, that ones credulity is changed with his interests.*) And is it not it also, that hath power to make men eagerly defend them? Is it not for these interests, especially so mixed, that men have drained their veins? And is not for these also that they have parted even with Heaven it self? All times and Histories, and Records of Humane affairs, are full of instances in this matter; we need not here stand to give them.

Hist. Council of Trent, Lib.

8.

X. From these things then it is evident, what a necessity there is, that in the Government of any Society whatsoever, there should be some kind of Unity in matters of Religion, maintained amongst men; and that both for the removal of these unlawful Religious Contests, and the occasions given by them to such Atheism and Prophaneness, as hath been mentioned; and also for the begetting of such Charity and Peace amongst men, as may be healthful to all their Divine and Humane affairs. How much tumultuous and popular contests about Religion, prejudice all the affairs of men, I shall describe hereafter: And what occasions they give to Atheism and prophaneness I shall touch upon also. And I shall here by and by give an account of the benefits of Charity and Peace, on the contrary, to humane Societies; and how much also they are commanded in the Scriptures. In the mean time, an Unity in matters of Religion, is that, that all men would have in Churches, and Publick Societies. All Laws and Councils, all the publick writings of Societies, and the private of particular men have ever made mention of it, and wish'd it; but none yet have sufficiently described what manner and kind of Unity this should be. The New Civil Law mentions the promotion of it a thousand times, and in all the parts of the body of it. And in the Code of Theodosius, *Edictum, quod de unitate per Affricanas Regiones clementia nostra direxit; per diversa proponi volumus, ut omnibus innotescat, &c.* The Edit, concerning Unity, which our clemency did direct to be published throughout the Regions of Affrica; we will have published by the dispersing of divers Coppies of it, that all may take notice of it, says the Emperours Arcadius, Honorius, and Theodosius, and the like in other places: And in other particular Laws of Countries and Territories, although never so small. The Laws and Statutes of the City of Geneva, take a care, *That the people be kept and conserv'd in peace and unity, and that the Ministers do keep the purity and concord of Doctrine*, and the like. So also the Ecclesiastical Canons of Councils, and the other writings mentioned.

From hence the necessity of some kind of Unity to be maintain'd in matters of Religion.

Infra Lib. 2. Cap. 7. §. 9. 10, 11. Ibid. §. 9.

Cod. Theodos. Lib. 16. de Religione L. Edictum.

See p. 2, 3. The manner and form of the oath, &c.

Unity the Mother of Charity and Peace.

Infra Lib. 2. Cap. 8. §. 5, 6, 7, 8, 9, 10, 11, 12.

XI. That then, that is to be said here concerning it, is, That unity in the general, is the mother of Charity, and Charity the mother of Peace. And what kind of Unity it is, that may possibly and ordinarily be attain'd to in matters of Religion amongst men, shall be hereafter evidenc'd. In the mean time, it is for these reasons mention'd, and because unity is the productrix of such excellent things to Humane Societies, that it hath ever been endeavour'd after, and pressed upon men by all Laws both Divine and Humane, as is said: *Behold, how good and pleasant a thing it is for Brethren to dwell together in Unity!* says the sweet singer of Israel. And the prosperity of Jerusalem is compared to that of a City, which is united within it self. And it was the valedictory prayer of Christ himself for his Disciples, that they might be one. And the

Plal. 133. 1, 2, &c. Plal. 122. 3. Jo. 17. 11.

Vid. c. lib. x.
De Episcop. &
Cler. L. Deo
nobis.
Ibid. De Epif-
copali Audient.
L. Nemo vel
in foro.
C. lib. i. de
summa Trinit.
Epist. Joh.
Pap. Inter Cla-
ri. ibid. eodem
in residuo
Epist. Lique-
ritur.

Precept of St. Paul to the Ephesians, to keep the unity of the spirit in the bond of Peace. To this purpose it is also, and for the promoting this unity, that the Imperial Lawes call the Faith, The *Catholick Faith*; and the Church, The *Catholick Church*; and the Christian Religion, The *Catholick Religion*, and the like, (*viz.*) for the begetting in men an unity, by putting them in mind of their being all wholly of one and the same only Church of God. 'Tis this unity that there is so frequently an express mention made of in those Lawes. *Custodientes statum & unitatem sanctarum Dei Ecclesiarum*; Preserving the State, and the Unity of the holy Church of God. *Et, quæ apud vos est unitas sanctarum Ecclesiarum, inturbata servabitur.* And that unity of the Holy Churches which is amongst you shall be kept undisturb'd: *Et ad unitatem Ecclesie reverti voluerint,* That they would return to the Unity of the Church. And, *Deum autem, & salvatorem nostrum Jesum Christum exoramus, quatenus vos dignetur Custodire in hac vera Religione, & unitate, &c.* we pray God, and our Saviour Jesus Christ, that he would you be safe to keep you in the true Religion, and unity. And as to all that Communion which is so much mentioned upon all occasions in the Apostolical Canons, the several famous Councils of the Primitive times, &c. That is one sort of it, which is meant, that flowes from this unity, which we have mentioned. So then, how farre forth such unity may make to unity of minds and affections amongst Christians, and to Charity, and Peace consequent upon it, it will be declared by us hereafter more particularly in the several places of this discourse proper to these things.

A Distinction
of Charity.

XII. In the interim, Charity is twofold: 1. That which may be called Negative (*i. e.*) so far forth as it may be called such, where there is only an absence of dissention, and the causes of dissention amongst men; 2. *Positiva*. And that is that which proceeds from a Positive and particular union of minds and affections. Amongst the one sorts of persons, properly; Amongst the other, improperly, there may be said to be Charity; and Peace following upon it. And how much it is to be wished that both these, especially this last and most noble sort of Charity; both whether it be Christian, and as to matters of the True Religion; or only common, and as to other things; were amongst men; we shall next evidence from the more particular Assignment of the benefits which such Charity and Peace will bring to the publick affairs, both of Religion and Government, and the Consistency of Religion with Government; and how much also they are commanded in Scripture.

The benefits
of Charity,
and Peace
amongst men
to the Christi-
an Religion.
In Homil. 11.

XIII. We shall first then, instance in the benefits accruing from them to (the Christian) Religion: and those are many every wayes. *Charitatis cura sit proprium* (saith St. Gregory) *nutrice concordiam, servare Composita, conjungere dissociata, dirigere Prava, & virtutes ceteras perfectionis sue lumine solidare; quisquis in ejus Radices se in-*
serit,

serit, nec a veritate deficit, nec a fructu inanescit. That, since it is the property of Charity to nourish Concord, to preserve things joyned together, to conjoyne things separated, to direct ill things, and to consolidate the other vertues by the light of it's perfection; who soever doth insert himself into it's Rootes, neither doth go aside from the Truth, neither doth wax barren of fruit. And the like is that of Guicciardine, concerning the mutual peace of the Christian Princes, *Nihil sanctius, nihil magis necessarium, nihil Deo gratius communi inter Christianos Principes Pace futurum video; Sine hac enim Religionem, Pietatem, & hominum mores in apertissimum perniciem ruere, vel manibus tangi potest.* I do not see any thing, sayes he, that would be more sacred, more necessary, more acceptable to God, then a Common Peace amongst the Christian Princes: For, without this, it may easily be perceived, that Religion, and Piety, and the manners of men do tumble violently into the most open destruction. Peace and Charity are those things, which remove out of Societies all that Atheisme and Prophanenels, all those infinite Scandals and offences, which come by popular contests about Religion. Peace and Charity are those things which are the praise and the Glory of the outward profession of Christianity; and that both as to those that are without, and as to those also that are within; by making both of them to think well of that Religion which effects the Practise of such excellent things. As the Heathens, heretofore, could cast their Eyes with admiration upon these things in the Christian Church. *Vide ut se invicem diligant, ut pro alterutro mori sint parati;* See how the Christians love (said they) so that they are ready to die for one another. Peace and Charity are the things that are so beneficial to the Practise also of the Christian Religion. They leave the ministers in the Christian Church, at leasure to preach; and the People at leasure to practise the Precepts of it.

Hist. lib. 18.

Terull. Apolog. 1.

Τίςτιν ὁ θεὸς αἰνέσειν ἱερὰν μὴ ἀλά,
ἀειδαῖν τ' ἐν βασιλῆς, διότι πρὸς τὸν θεόν
ἡμεῖς ἐργάζομεθα, ὡς τὸν θεόν.

Bacchylides,
in Pæanibus.

Peace brings forth very great Benefits to men, sayes he,
It is that brings it to pass, that the members of Oxen Flame
On the beautiful Altars of the Gods, and also those of the Fleece-bearing sheep.

Last of all, Peace and Charity are the things, which make even to Spiritual sanctification, and the comforts flowing from it, and distilling into Peace of Conscience. They invite the holy Ghost from Heaven to dwell in men; who will not ordinarily dwell where the works of the flesh are; such as are hatred, variance, emulations, wrath, strife, seditions, heresies, envyings, and such like, sayes the

Galat. 5 20, 21.

Apostle. They fit men also for the receiving him, and all spiritual joyes accompanying him; by leaving them free to exercise divine meditation, and their minds open to receive all these things. *Spiritus enim Humanus* (sayes St. Augustine) *nunquam vivificat membra, nisi fuerint unita; sic Spiritus Sanctus nunquam vivificat Ecclesie membra, nisi fuerint in pace unita;* That the spirit of Man never Enlivens the members of his body, unless they be united; and so neither doth the spirit of God ever enliven the members of the Church, unless they be united in Peace. So that thus it is, as he sayes also elsewhere; *Dilectio est pacis unda, Ros gratiae, Charitatis Imber, Semen Concordiae; affectus Gentium, Amoris fructus, & ad Summum dilectio Deus:* That love is the Spring of Peace, the dew of Grace, the shower of Charity, the seed of concord, the affection of Nations, the fruit of good will, and in brief, Love is God.

De Civ. Dei.

Ad Martianum.

The benefits
of them to
Government.
Polit. lib. 2.
Cap. 2. §. 16.
Lib. de vestig.

In Julian.
Orat. 1.

In Philip.

In Clio.

In Pl. 84.

XIV. The like are the benefits of these things to Government. *Amicitia enim summum Civitatibus esse bonum censemus,* sayes Aristotle, That he thinks mutual friendliness to be to Cities the greatest good. And, *He dicuntur beatissime Respub: quae plurimo tempore in Pace vixerunt,* sayes Zenophon; That those are reputed to be the most happy Commonweales, which have continued the longest time in Peace. And, *Optima est Concordia, & ut una consentiant Civitates, gentes, familiae, &c.* sayes Nazianzen. That Concord is the best thing in the world, and that Cities, and Nations, and Families, &c. should agree together. Peace and Charity are the things which are contrary to Division, Parties, Factions, Tumults, Warres; and which prevent all those Ruines, that come by these things to Government, and Civil Society. *Nam nec privatos focos, nec Publicas leges, nec libertatis jura clara habere potest, quem discordia, quem cedes Civium, quem bellum Civile dilectat,* sayes Cicero of Marins, and Sylla; That he cannot account dear neither the private Families, nor the Publick Lawes, nor the Rights and Liberties of his Countrey, whom discord, whom the Slaughter of Citizens, whom Civil Warre delights. And the like Cræsus in Herodotus, *Ουδὲς ὁ ἄνθρωπος ἄνθρωπον, &c.* Neither is any man so mad (sayes he) as to wish for War rather than Peace; for in Peace the Children bury their Father; but in Warre the Fathers bury their Children. Peace and Charity are those things, which maintaine an Harmony in mens minds, both towards themselves mutually, and also towards their Governours. Peace and Charity are those things which nourish Order in the Publick, and Justice in the Courts, and Learning in the Schooles and Academies; and all the Moral vertues in the mutual Society of Neighbour and Neighbour, and which are Nurces to the welfare of Humane Society in the Common. Finally, Peace and Charity are those things, which bring all manner of Prosperities along with them to Commonweals. *Duae sunt Amicae,* sayes St. Augustine; *Justitia, & Pax; ipsae se Osculantur: Si Amicam Pacis non amaveris, non te amabit*

amabit ipsa Pax: That there are two friends; Justice and Peace; and they kiss one another: And if thou dost not love the friend of Peace, neither will Peace it self love thee. And Euripides,

Ὅσοι ἢ πολὺν χρόνον ἐπὶ εἰρήνῃ βεβόησι! &c.

*And how much is Peace better then War for men!
Which, first of all, is most grateful to the Muses,
And opposite to mourning, and rejoiceth in the increase of man-
kind,
And is delighted with Riches.*

And the like *Aristophanes*,

Ὁ μωρὸς, πάντα παρ' ἐν τῇ δ' εἰρήνῃ, &c.

*O fool, fool, All these things are in Peace,
That a man may live in quiet at his Country Farme,
Free from the busineses of the Courts,
Possessing his own Toke of Oxen, &c.*

And the Historian Relates it of King *Mycipsa*, that when he was about to die, he called his sonnes to him, and warn'd them to be at Peace, and Unity; adding, *That by Concord, small things grew to be great; But that by Discord, great things grew to be small.* And, last of all, that we may speak what is the summe of all in this busi-ness; and that is, That the Peace of their Societies is the last thing Temporal which all Governours aime at in the management of their publick affairs; and for the attaining of which they them-selves also are by God set up over men. See 1Tim. 2.1, 2. and the like places of Scripture.

Salust: De bello Jugurthino.

XV. The like are the Benefits of these things also to the confi-sency of Religion with Government. Charity and Peace are those things which in themselves every way keep Religion in it's confi-sency with Government; and which prevent the many occasions given to the corruptions of men by Contests, Tumults, and Warres, and the like, to render it inconsistent with Government. And thus then, by all these, so considerable things, it is, that Charity and Peace are thus beneficial to the affairs of men; and create even the Golden Age, as it were, of humane Societies.

The benefits of them also to the Consi-sency of Re-ligion with Government.

XVI. And then, last of all, how much are these things also commanded in the Christian Scripture? In the Law of *Moses* all the offices of Charity, Love, Mercy, and Hospitality, are strictly enjoined to be practic'd in *Israel*, *Exod. 22. 21. Thou shalt not vex a stranger, nor oppress him. And vers. 22. Te shall not afflict any widdow or fatherless child. And Levit. 19. Thou shalt not defraud thy Neighbour. Thou shalt not go up and down as a Tale bearer. Thou shalt not avenge nor bear grudge against the Children of thy people: But thou shalt love*

And lastly, how much they are Com-manded in Scripture.

vers. 13.
16.
18.

thy Neighbour as thy self. And Deut. 22. 1. *Thou shalt not see thy brothers Oxe, or his sheep go astray, &c.* And all these and the like particulars were enjoined in the General, in the second Table of the Ten Commandements. And the like also in the New Testament. The Peace-makers are pronounced *Blessed*, Matth. 5. 9. And love to God and our Neighbour is said to be (causally) *the fulfilling of the Law.* And Matth. 22. 37. *That on these two commandements hang all the Law, and the Prophets.* And 1 Job. 4. 8. God himself is said to be *Love.* And Christ sets it as his Badg and Cognizance upon his disciples, Job. 13. 35. *That by this shall all men know them to be his Disciples, if they love one another.* And 1 Pet. 3. 11. *Seek Peace, and pursue it.* And Heb. 12. 14. *Follow Peace with all men.* And Rom. 12. 18. *If it be possible, and as much as in you lieth, live peaceably with all men.* Finally, *Moses* his second Table is Eminently confirmed in the New Testament: and the like to these things is the whole Tenour of the Christian Scripture. See 1 Job. 4. 16. 1 Job. 4. 20, 21. Job. 15. 17. Rom. 12. 10. Rom. 13. 8. Galat. 5. 14. 1 Pet. 2. 22. And therefore we are bid to *love our Enemies*, Matth. 5. 44. And God is called *the God of Peace*, and Christ *the Prince of Peace*; And the Angels from Heaven proclaimed *Peace upon Earth*, at his Birth; and his Disciples appointed *a Kiss of Charity*, and love-Faiths, and the like in their times, for the preservation of these things in his Church: And all the secular Lawes of Princes have ever call'd for Peace, and Love, in their several Societies, upon these and the like accounts. And although it hath been used by inconsiderate men in the World, to have been accounted coldness in Religion; if upon every trifling occasion (concerning matters Divine) not only the private, but the publick Peace also hath not been broken; yet these Scriptures, and the constitutions of Religious Princes (according to them) will alwayes call upon them to lay their hands upon their hearts, and to consider of all these things, which have been mention'd; both in relation to Religion, and Government, and their mutual consistency. God write them in the hearts of men, especially of Christians, in all Humane Societies; and let his Pen be the Pen of an *Adamant*; and let his Writing never be blotted out.

11. 9. 6.
Luk. 2. 14.

CHAP. III.

The description of the *Rights directly* belonging to men in an *Ecclesiastical Uniformity*. And first, of the *Primitive Liberties*, both *Civil* and *Ecclesiastical*, which belong to the *People*. And first, of the *Civil*, and of its Right of being preserved.

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| <p>I. The distribution of the Rights directly belonging to an Ecclesiastical Uniformity.</p> <p>II. The Primitive Rights of the People assigned : And first, of their Civil Liberty.</p> <p>III. Liberty in the general, defin'd and distinguish'd.</p> <p>IV. Laws in the general defin'd and distinguish'd.</p> <p>V. A Subject defin'd.</p> | <p>VI. And lastly, the Liberty of the Subject defin'd also.</p> <p>VII. The worth of Liberty.</p> <p>VIII. That the liberty of the Subject ought to be preserved to him in an Ecclesiastical Uniformity.</p> <p>IX. The great reason of the restraint of private persons by Law.</p> |
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I. **T**he division of the Rights relating to the matters of an Ecclesiastical Uniformity into such as relate to them, either directly, or by consequence, having been hinted by us above : There are three sorts of persons, amongst whom the Rights directly relating, or belonging to those matters, are also to be divided : And that both primitively, and derivatively ; more generally, and particularly. The first of those sorts of persons is the Prince or Chief Magistrate in any Society ; the second, the Priest, or Ecclesiastical Ministry, as it is distinguish'd both from the Prince and People ; and the third and last, the People (*viz.*) the whole body of them, and as it is comprehensive of all (besides the Prince) both Clericks and Laicks, in the capacity principally of Church members.

The distribution of the Rights directly belonging to an Ecclesiastical Uniformity.

The Primitive Rights of the people assign'd and first, of their Civil Liberty.

II. We come first then to assign the Primitive and more general Rights belonging to those sorts of persons: Of the derivative, and more particular we shall treat hereafter. And first, the Primitive Rights of the people are to be laid down: And those are the primitive Liberties or Latitudes which belong to them, *de Jure*, and *of Right*, in relation to the Ecclesiastical Laws of Princes, and their obedience to be performed to them. And those Liberties also are either Ecclesiastical, or Civil; and we shall treat first of the Civil Liberty, and that is, the Liberty of the Subject in any State. And we shall first unfold what it is, and afterwards evidence its right of being preserved, in the matters of an Ecclesiastical Uniformity. Briefly.

Liberty in the general defined, and distinguished.

De Jure Belli. Lib. 1. Cap. 1.

§. 5.

Supra Lib. 1. Cap. 3. §. 10.

Laws in the general defined and distinguished.

Præfocundæ quæst. 90. Art. 1.

De laudib. legum Angl. Cap. 10.

III. *Grotius* then rightly defines Liberty, in the absolute, and most general notion of it, to be *Potestatem in se, a power, or faculty in any man of disposing of himself, as he pleaseth*. But then, as it is referr'd to men, it must be meant of a moral, not of a natural power; for there is no such natural power, as hath been said, in men; and such power, or faculty, may be restrained or tyed up two manner of ways; either by meer force, without right; or else by the exercise of a right inherent in any one, so to restrain it; and then it is said to be restrained by Law.

IV. Laws are those things by which all Government is exercised: And they are either Divine or Humane. The humane are those here concern'd; And they are certain binding constitutions, made by the Legislative Power in any Society. *Lex a ligando*, says *Aquinas*, and other Etymologists. *Et sicut, per nervos corporis Physici, compago solidatur; sic per legem, quæ a ligando dicitur, corpus politicum ligatur & servatur in unum*, says *Fortescue*: That, as by the nerves of the natural body, the whole frame of it is fastned together; so by the Law, which amongst the Latines is deriv'd from binding, is the political body bound together, and preserv'd in Unity. And *Euripides*,

Hecuba. Strophi. 5. Agamem. prope fin. Avocato. 5892.

*Hæc, non est mortalium qui sit liber,
Aut pecuniarum enim servus est, aut fortunæ;
Aut multitudo eum Urbis, aut leges scriptæ
Urgent, ne utatur, pro arbitrio, moribus.*

*Alas, there is no mortal man, who is free,
For either he is a servant of money, or of fortune;
Or else the multitude of the City, or the written Laws
Urge him, so that he cannot be at liberty in his behaviour.*

And the Legislative Power in every society, is that, which *de jure*, and *of right*, hath the power of making such Laws.

A Subject defined.

V. A Subject is one born in a state of subjection to Laws. And, it

it being the essential property of Laws to induce an obligation upon him that is in subjection to them, it is evident, that so far forth as the Laws (according to the divers frames of the policies of Countries) do induce an obligation upon any Subject, he is not, by right, at his own liberty in things.

VI. From these things then it is easily resolv'd, what is the liberty of the Subject, in Civil things, (*viz.*) that liberty, whatsoever it is, that is left to him by the Civil Laws of any society.

And lastly the liberty of the Subject defined also.

VII. There are two Rules in the Civil Law; that of *Paulus*; that, *Libertas inestimabilis res est: Liberty is a thing inestimable.* And that of *Ulpian*, *Servitutem mortalitati fere comparamus: We compare servitude almost even to death it self.* So that it cannot be supposed, that the Subject, as a member of any Society, either ought to have his liberty unjustly intrench'd upon, or else should be stated under any legal obligation to part with his liberty, but for some weighty reasons.

The worth of liberty.
F. de Reg. Jur. Reg. 100.
F. Eodem. Reg. 209.

VIII. That the liberty of the Subject ought to be preserved to him in an Ecclesiastical Uniformity, it is sufficiently evident from hence, because it is his right: For he which deprives another of his right, transgresseth against the Law of Justice. *Justitia est constans & perpetua voluntas jus sum unicuique tribuens*, says *Ulpian*: That, *Justice is a constant and perpetual will, affording to every man his right.*

That the liberty of the Subject ought to be preserved to him in an Ecclesiastical Uniformity:

IX. And the just restraint of private persons, in the mean time, by Law, is for the common good, the great end of all humane society, as hath been mentioned; and in which the good of every one of those private persons is supposed to be included. *Ὁ νόμος ἡ βασιλεὺς ἐστὶν πάντων, ὡς τὸ θεῖον ἐστὶν πάντων*, says *Crisippus*, That Law is the Queen of all divine and humane affairs. And the Hebrews have a proverbial saying, Remember to pray for the Kingdom; for if there were not Publick Authority, a man would swallow down his Neighbour, as the great fishes do the small. And for this reason, amongst others, all Laws and Customes of Nations in the world have ever taken a greater care of, and had a more solemn respect to the persons of Supream Governours: They have celebrated their birth-days; they have appointed them Guards; they have punished treason with the extreamest tortures, and most exemplary kinds of death; and the like. And it is the principal immediate meaning of the Promise annexed to the Fifth Commandment in the Tables of *Moses*; that *Israel* should honour and obey their several succeeding Sovereign Princes, as their political Parents; That their days might belong in the Land of *Canaan*, which God had bestowed upon them, as such a society. And great are the benefits which men enjoy by Laws, (*viz.*) the security of their Lives, Liberties, and Estates; and as appears from the desperate state of a man outlaw'd, as *Bracton* mentions concerning such an one in *England*. The same, saith he,

D. De Justitia & Jur. Lib. 10.
The great reason of the restraint of private persons by Laws.
Supra Lib. 1. Cap. 3. §. 17.
& Ibid. §. 9.
& Cap. 1. §. 12.
De Legibus.

who of late hath been usually call'd *Ulaugh*, was heretofore called *Friendless-man*; *Nam forisfacit Patriam, & Regnum; item forisfacit amicos, & omnia quæ pacis sunt, & ea quæ legis sunt, & omnia quæ juris sunt, & possessionis, & actionem; & caput gerit lupinum, ita ut ab omnibus interfici poterit*: For he puts himself out of doors from his Country, and the Kingdom, and from the benefit of his friends, and the peace, the Law, and all right, and possession, and any action at Law whatsoever; and he wears a Wolves head, so that any one may kill him.

CHAP.

CHAP. IV.

Of the *Primitive Ecclesiastical and Spiritual Liberties*, which belong to the *People* in an *Ecclesiastical Uniformity*: And of the several *Obligations*, and *Rights*, relating to them.

I. **T**He Primitive Ecclesiastical, and Spiritual Liberties of the people described and asserted.

II. The three sorts of them assigned.

III. Christian Liberty defined and distinguished.

IV. Liberty of Judgment distinguished and defined.

V. The Liberty of exercising mens judgment of discerning asserted.

VI. The due limitation and restraint of the same.

VII. Liberty of outward actions ought to be regulated by Humane Laws.

VIII. The concession of the use of the means of Grace,

in any Christian Church, necessary to the attaining to the principal part of the purchased Christian Liberty.

IX. The concession of the use of the means of knowledge in any Christian Church, necessary also to the exercise of mens judgment of discerning.

X. What the ordinary means of Knowledge and Grace are.

XI. That the Bible ought to be conceded to the Laity.

XII. The Publick Ordinances also ought to be Celebrated in the Vulgar Tongue.

I. **T**He Civil Liberty of the people then in an Ecclesiastical Uniformity, being thus described and asserted; we come next to the Primitive Ecclesiastical and Spiritual Liberties belonging in like manner to them; and to the describing and asserting of them in their due manner, and of the several Obligations and Rights relating to them.

The Primitive Ecclesiastical and Spiritual Liberties of the people described and asserted.

The three
sorts of them
assigned.

Christian li-
berty defin'd
and distinguish'd.
*In compendio,
&c. loco, de
libertate Chri-
stianz. & vid.
Petri Martyr.
locos commun.
&c.*

Liberty of
judgment di-
stinguish'd
and defin'd.

II. And there are three sorts of Ecclesiastical Liberty, concern-
ing men in an Ecclesiastical Uniformity: And those are, their Chri-
stian liberty, their liberty of Judgment, and their liberty of Pro-
fession, and outward action.

III. And first of all, Christian Liberty is a purchased thing; a
thing purchased for Christians, as a privilege, by the merits of
Christ, and therefore belonging to them only as Christians. And it
consists, says *Zanchy*, and other Theologists in their common places
concerning it, in freedom from the curse of the Law, and from the
burthen and yoke of it, both Moral and Ceremonial; and from the
particular effects and consequences reduceable to these generalls:
and therefore belongs to Christians, partly as such by profession, and
partly as such by special Grace: But, it being a thing wholly spiri-
tual and internal, it comes not under the reach and cognizance of
Humane Laws, and so cannot possibly either be diminished, or ta-
ken away by men, nor from men, while Christians. And therefore
the complaints, many times thrown about amongst the inconfide-
rate people by Innovators in the Christian Churches, and Common-
Weals, that Governours go about to rob them of their Christian
Liberty, when they only limit them by due restraints, are in them-
selves vain and causeless; neither is it possible that Christian Liberty
should immediately and in its self, any ways concern the good or
evil of Humane Society.

IV. Liberty of Judgment, in matters of Religion, comes under
a two-fold distinction. First, it is distinguished according to the two
different sorts of objects of the intellectual faculty in man: And so
it is,

1. That of the practical judgement, in relation to actions, and
things to be done.

2. That of the speculative, in relation to things to be believed;
and those either matters of Faith, or matters of Opinion, as those
terms are ordinarily understood by Divines.

Secondly, it is to be distinguished either in respect to the Obliga-
tion lying upon the intellectual faculty, and consequently on the
will, to assent and consent to things; (to assent to things specula-
tive, to consent to things practical) or else in respect to the bare
exercise and employment of it, in order to the fixing such assent
and consent mentioned. And the first of these is ordinarily called,
Liberty of Conscience; the second, *Liberty of the Judgement of dis-
cerning*. Liberty of Conscience, so taken, respects principally mat-
ters practical; and so it consists in conscience, it being free from ob-
ligation to any thing, except the commands of God. And that it
is so free, says the Scripture, *James 4. 12. Rom. 14. 1.* And those
commands of God are either mediate, or immediate. And liber-
ty of Judgement of discerning, respects both matters practical and
speculative universally; and consists in its being free from any pro-
hibition

hibition of its being exercised about those things. But still both these sorts of liberty, being things internal, they also cannot possibly be diminished, nor taken away by man, neither do they in themselves concern Humane Society.

V. That this liberty of exercising the Judgment of discerning, as it is largely taken, and in the general, about all matters of Religion, is, and always hath been conceded by God to men; it is evident both from the light of Nature, and from the Divine Law : And the use and enjoyment of it is a grand natural right belonging to men.

The liberty of exercising mens judgement of discerning asserted.

First, it is evident from the light of nature; in that God and Nature have endued man with such Judgment of discretion, for this very end, that he might use and exercise it in all things indefinitely : And so upon that account he is obliged to do it, wheresoever occasion requires. And if in all things that concerns him and his welfare, then in matters of Religion especially ; or else such judgment should be bestowed, as to those most weighty things, upon him in vain. It is the saying of Cicero, *Cum autem suo cuiq; judicio sit utendum, difficile est factu me id sentire quod tu velis* ; That, since every one is appointed to use his own judgment, it is a hard thing for me to think just what you would have me to think. And Plutarch, *Oportet non modo ut quod agitur sit honestum, sed ut firma & constans ad sit persuasio* : It behoves us to look to it, that not only what we do be honest, but that also there be in us a firm and constant persuasion of the honesty of it. And Pliny, *Quod dubitas, ne feceris* : That which thou doubtest of, do not do. And Clemens Alexandrinus, *Veritatis amator, Plato, veluti a Deo incitatus, dixit, ego sum ejusmodi, ut nulli alii credam, nisi rationi ; quæ mihi consideranti optima visa est* : That, the lover of Truth, Plato, as it were inspired by God, said, I am of that mind to believe none else but Reason, which to me considering, seems to be the best.

De Nat. Deor. Lib. 3. in principio.

In Timoleonte;

Lib. 1. Epist. 29. Strom. Lib. 1.

Secondly, from the Divine Law, in that it doth every where advise and command the use of such judgment of discerning in matters of Religion to men, and where they properly concern them. See 1 Thes. 5. 21. *Prove all things, hold fast that which is good.* And 1 Jo. 4. 1. *Believe not every spirit ; but try the spirits, whether they are of God.* And 1 Pet. 3. 15. *Be ready always to render a reason of that hope that is in you.* And Mat. 24. 4. *See that no man seduce you.* And Luk. 12. 57. *Why do ye not of your selves judge what is right ?* All which, and the like Texts, if they do not advise men to make use of their Reason for the choice of their Religion ; then I must confess my self (says Mr. Chillingworth) to understand nothing.

Against Knot. 1 Part. Chap 2. §. 116.

VI. But yet this liberty of the use, and exercise of mens judgment of discerning in an Ecclesiastical Uniformity is appointed to receive

The due limitation, and restraint of the same.

Hic supra §. 2.
Supra Lib. 2.
Cap. 1. §. 7.

ceive (as all other things in their several respects they bear to the good of humane affairs) its due and just limitations : And that in relation both to persons and things. The distinction of persons here concerning it, is, that of men divided into the vulgar, and more intelligent. And this distinction of them is common to all Societies. The distinction of things, and matters of Religion, are partly those here already mentioned ; and partly heretofore (*viz.*) of Doctrines, into Doctrines of Belief, and Doctrines of manners : And those of Belief, into Doctrines of Faith, and Doctrines of Opinion : And both those of Belief and Practice, either into Doctrines more or less Fundamental ; and consequently either more or less concerning the Good of men ; and then no wonder if consequently also, either more plainly or more obscurely revealed in Scripture : And those also concerning the good of men, either so concerning it ordinarily, and in themselves ; or else by accident, and in some particular case ; and as to some particular persons : And that good also either their temporal, in this world, in a less eminent notion ; or their eternal in another, in a more eminent. And, according to these distinctions both of persons and things, is the use of this liberty in matters of Religion, in all Societies to be limited : And that as it respects the last end, which was mentioned, of all Society, the common good of Humane Affairs : and that is, that to persons intelligent, and who are sufficient to judge of such things, God and Nature have allowed the liberty of the ordinary exercise of their judgement of discerning universally, and according to the latitude of its adequate object, and in relation to all the sorts of Doctrines mentioned ; and that for many reasons, relating both to the good of Religion and Government, and the Consistency of Religion with Government : But to the Vulgar, and persons insufficient actually, and ordinarily not so, as shall be more particularly declar'd hereafter.

Infra Lib. 3.
Cap. 13. §.

Liberty of
outward actions
ought to
be regulated
by Humane
Laws.

VII. Liberty of Profession, and outward actions, as matters of Religion, is a thing clearly different from these two sorts of Liberty already mentioned. And because the use of it, immediately, and in it self, cometh under the cognizance of men ; and in its effects also, reacheth to their persons and affairs, therefore it ought to be regulated by Humane Lawes. And it is to be allowed, or not allowed by the Chief Magistrate, and so consequently used, or not used by private persons in an Ecclesiastical Uniformity, according to the present circumstances of things ; and as it makes, or makes not to the Glory of God, and good of our Neighbour, as a member of all Humane Society, (*i. e.*) To the welfare of Religion or Government, or the Consistency of Religion with Government.

This

This liberty of Profession, and outward Actions, as to matters of Religion, is that which hath been used in all Ages, to have been falsely cry'd up by corrupt men, either for Christian Liberty, or liberty of Conscience, according as either would serve their turns, when they have affected any Innovations or Change of Government, either Ecclesiastical or Civil in any Society. And liberty of divulging mens Judgements or Opinions in matters of Religion, is one maine part of this liberty of outward actions.

VIII. The principal part of the purchased Christian Liberty, (*viz.*) The freedome from the Guilt of Sin, the Curse of the Law, &c. cannot be attained to, but by a mans being endued from God with special Grace; because that is the condition of the Covenant of Grace in the Gospel, belonging necessarily, as is said, to the attaining to it. And therefore it is evident, that the use of the means of Grace, by which such Grace is ordinarily to be attained, ought by the Chief Magistrate in an Ecclesiastical Uniformity to be conceded to the people. And they have a Right to it both by the Natural and Divine Law: By the Natural, as the means is necessary to the end in the general: and by the Divine, as those particular means are appointed by it, as necessary to that particular end. *Faith cometh by hearing*, saith the New Testament, *and Hearing by the word of God*. This Faith meant there, is the Fundamental Grace of a Christian, his *primum vivens*, and *ultimum moriens*; and by hearing the Word of God is meant, the use of any of the means of Grace.

The concession of the use of the means of Grace, in any Christian Church, necessary to the attaining to the principal part of the purchased Christian Liberty. *Hic supra* S. I.

Rom. 10. 17.

IX. Knowledge, in the Doctrines of Christianity, is also necessary to the exercising a mans Judgement of discerning about them, because by Knowledge it is, that he distinguisheth of things; and the things must be known that are to be judged of: And therefore it is evident also from hence, that the means of Knowledge, in the Christian Religion (without which ordinarily such Knowledge cannot be attained to) ought in like manner, to be conceded to the people by the Chief Governour in any Church; and they have a right to them also by the two Laws, both the Natural, and the Divine; by the first of them primarily and more generally; and by the second secondarily, and more particularly.

The concession of the use of the means of Knowledge in any Christian Church, necessary also to the exercise of mens judgment of discerning.

X. The ordinary means of Knowledge and Grace here meant, are those things which are appointed by God and Nature, for the ordinary obtaining of them: And therefore they are commonly called the Ordinances or Appointments of God in the Christian Church, in respect to them. Such are especially his

what the ordinary means of Knowledge and Grace are.

Publick Ordinances of Prayer, reading the Scriptures, and singing of Psalms, or Hymnes, Preaching, and the like : Such are also the like things to be made use of in private, (*viz.*) the Bible especially, and other good Books in the vulgar Tongue, to be read, thought on, conferr'd about, and the like.

That the Bible
ought to be
conceded to
the Laity.

Hic supra §. 4.

*De veritate
Christianæ
Relig. Lib. 3.
§. 15.*

XI. That the Bible ought, in an Ecclesiastical Uniformity, to be conceded to the Laity in common, to be made use of by them to these ends mentioned; and notwithstanding that to the grosser and more insufficient part of them, the use of their judgement of discerning is not actually, ordinarily, and universally by God, and Nature, conceded to them, as was said but now; It is evident from the Bible it self, and the Divine Law of God and *Christ* contained in it. In the Old Testament, the use of it was so commanded to the Laity amongst the Jews, *Deut. 6. 6. And these words, which I commanded thee this day, shall be in their heart; and thou shalt teach them diligently unto thy Children; and shalt talk of them by the way; and when thou sittest in thy House, and when thou liest down, and when thou risest up, &c.* And in the New Testament, the same was commanded also, *John 5. 39. Search the Scriptures, for in them ye hope to have Eternal Life, and they are they which testify of me.* And, if this be not so, why was the Old Testament written in Hebrew, the vulgar Language of the Jewish Nation? And why was the New Testament written in the Greek, the Language most vulgar also, to those Countries in which it was first written and taught? *Per Europam, Asiam, & Ægyptum; quibus in locis Græcus Sermo vigebat, sayes Grotius: Throughout Europe, Asia, and Ægypt; in which places the Greek Language did then flourish.* And so also both of the Testaments continue in those places, and to those people, to whom those Languages, and so much of the ancient purity of them as is preserved, are common to this day, for ought any Revelation that there is from Heaven to the contrary. And the unwritten traditions (whether in the Romish, or any other part of the Christian Church) for the Licentiating of the Bible, and which stand in direct opposition to the plain written Scripture in these things, are not rationally to be believed.

The Publick
Ordinances
also ought to
be celebrated
in the vulgar
Tongue.
*Poloniæ Lib. 1.
prop. fin.*

XII. And lastly, that the Publick Divine Service, and the use of the Ordinances of God in the Churches, in an Ecclesiastical Uniformity, ought also to be in the vulgar Tongue (so as *Cromerus* sayes it is with the *Russians*, and *Chytræus* with the *Armenians*, the *Waldenses*, and others) it is as evident. It is the saying of *Padre Paul* the *Venetian* (although himself also

also in Communion with the Church of Rome) in his History of the Council of Trent; That, *he that would know what Language is to be used in the Church, needs onely to read the fourteenth Chapter of the first to the Corinthians; and it will sufficiently informe him, though his mind be never so much prepossessed with a contrary opinion.* Thus then for these things.

In Orations, cum post reditum ex Austria, &c. Circa Med. De Armenia. Ibid. in Boemia prope fin.
Lib. 6. Fol 578

CHAP.

C H A P. V.

A more particular consideration of the two Grand Causes of all *Mischiefs* in Humane Affairs, (*viz.*) the *Weaknesses*, and *Corruptions* of men: And more particularly of their Influence on the *Publick Charge* of the *Magistrate*, the thing to be preserved ultimately by an *Ecclesiastical Uniformity*.

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| <p>I. THE Causes of all Mischiefs to the Publick Charge of the Magistrate distinguish'd.</p> <p>II. The Persons ordinarily guilty of the Faults of Imprudence.</p> <p>III. Their guilt evidenc'd.</p> <p>IV. Their particular faults instanced in, in the particulars of the Magistrates.</p> <p>V. The frequency of their errors and offences in this kind.</p> <p>VI. The persons ordinarily guilty of the Faults of Malice.</p> <p>VII. The causes exciting them to the commission of such faults.</p> | <p>VIII. The impetuonsness and violence of those exciting Causes.</p> <p>IX. Certain Doctrines in the Christian Religion made use of by these Persons for the promotion of their several ends.</p> <p>X. Of all things in the world the Charge of the Magistrate is most likely to be invaded by them.</p> <p>XI. Of all Persons in the world the Person of the Magistrate is most likely to be invaded by them also.</p> <p>XII. The Conclusion drawn from all these things.</p> |
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I. **T**He Divines distinguish all sins committed against God, into voluntary and involuntary. The involuntary are those which are committed imprudently, and without knowledg and intention; and the voluntary those which are committed knowingly and maliciously. The same distinction is here to be given of all faults committed in Humane Affairs, as hath been hinted already more then once: And more particularly against the publick charge of the Magistrate in an Ecclesiastical uniformity. *Imprudentia rationis est vitium male vivendi causa*, sayes Aristotle; That *Imprudence is a fault of mens reason, and a cause of their ill living.* And that of the Poet may be ordinarily apply'd to every Age.

The causes of all mischeifs to the Publick charge of the Magistrate distinguish'd.

Lib. de virtutibus Juv. Sat. 1.

*Nil erit ulterius quod nostris moribus addat
Posteritas; eadem capient facientque minores.
Omne in precipiti vitium stetit—*

*That there will be nothing farther for Posterity to adde
To our manners; the younger will receive and do the same
things.
Every vice is readily practis'd—*

And although it be true in both these Cases, what the Schooles say in Divinity, that—*Veniam dabit ignorantia Culpa*; That, *Ignorance in the Person offending is one thing, which may excuse from guilt, as to the offence it selfe, either in tanto, or in toto*: Yet however the outward effects and consequences of both these sorts of offences against the charge of the Magistrate, are those things which are to be taken cognizance of, and considered principally by Humane Lawes. And it followes then, that in respect to the mischeifs done by them, either sort of offences may be either more or less equally hainous; and so as that both of them are to be watched over by the chief Magistrate in any Society. *Sape honestas rerum causas, in-
adhibitas in Judicium, perniciosi exitus consequuntur*, sayes Tacitus. That oftentimes pernicious ends do attend honest causes of things, unless you consider how to prevent them. And *Æschines, improbum ingenium, magnam potestatem adeptum, publicas importat Calamitates*: That a Mischievous wit, having attain'd to great power, brings publick calamities upon men.

Hist. lib. 1.
Orat. Contra
Ctesiphont.

II. The faults of Imprudence then are the first in order here to be treated of. And the Persons ordinarily guilty of them in any Society are those, who in all Writings and Ages have been loaded with so many Epithets designing that guilt of theirs; (*viz.*) *Prophanum, Rude, Imperitum, Ignobile vulgus*; The Barbarous, Rude, Unskilful and Ignoble Common people.

The Persons ordinarily guilty of the faults of imprudence.

Their guilt
Evidenc'd,

III. Their being ordinarily subject to this kind of offences is evident from two things. 1. From their own aptness to run into such, and all other sorts of faults, and Errors. 2. From their easiness to be lead into them by others.

1. Their own aptness proceeds from their Ignorance, Heedlessness, and unskilfulness in Affairs, and the like, in all Writings deservedly Attributed unto them.

P. Emyl. lib. 8.

Declam. 11.

Hist. lib. 17.

Ad Caesar.

2. They are also Consequently as easily led by others. And that 1. By Shewes. 2ly; By Custome: And that also by reason of their Heedlessness, Simplicity, and Foolishness mention'd. Wherefore they are rightly called *a body without a Breast*. And *Nihil est facilius*, sayes Quintilian, *quam in quemlibet affectum movere populum*; That nothing is more easie, then any wayes to affect the People. And *Plebs suapte natura*, sayes Guicciardine, *semper novarum rerum cupidum facile vanis erroribus & falsis persuasionibus repleatur, ad concitantis arbitrium, ut maris fluctus a ventis impellitur*. That the Common People being by their own nature desirous of new things, seeing they are easily fill'd with vain errors, and false persuasions, they are driven along at the pleasure of him that stirs them, as the floods of the Sea by the wind. And the like is that of Salust: *Multitudo vulgi more magis quam iudicio post alium alius quasi prudentiorem sequitur*; That the multitude of the Common people, by Custome more then by Judgment, followes the one after another, as if he were in the mean time the wiser.

Their particular faults
instanc'd in,
in the particulars of the
Magistrates Charge.

IV. We will farther instance a little in their more particular faults, respecting the particulars of the Magistrates charge mention'd.

1. As to Religion: And their faults in respect to it have been evident in all Churches, and Religions. How easie they have been to admit of any thing, any the most absurd deceits, and Impostures, under the Sacred Notion of Worship, and Divine precept! So in the Ancient Heathen Religion, and as the Scripture Records Testifie, they worship'd Stocks and Stones, (i.e.) not only Relatively; but the vulgar, those very things for Gods.

Horat. Serm.
Lib. 1, Sat. 8.

*Cum faber incertus Scamnum faceretne Priapum,
Maluit esse Deum——*

*When the workman uncertain whether he should make a Form,
or Priapus,
Would rather have it to be a God.——*

They held for Tenents all the other the most incongruous Precepts of their Religion: and were easily led, either by their Priests, or others, to the holding of them. The like in the Religion of the Jewes at this day: They have the Doctrines of their Religion deliver'd to them concerning the dayes of their *Messiah*; That then they shall have

have a sumptuous Banquet provided for them (viz.) out of a Bull of the Mountains, created and fattied for this very end, which shall be able to eat up the Grass of a thousand Mountains in one day; and every night it shall grow up again. And out of the Fish Leviathan, and the Bird Juckna, one Egge of which is of that Bigness, that, if by chance it were cast out of the nest, it were enough to beat down three hundred Cedars, and to drown with it's liquor Sixty Villages. The like Doctrine they have concerning other things. And although Menasse Ben Israel, and others, their later more learned Rabbies, interpret these things in a Parabolical and Spiritual sence; yet the Common People in all Ages have made no Bones to swallow down the belief of the letter of them, and to take it (like the Mahometan's Paradise) for their happinefs in another World. The like also in the Religion of the Turks: Mahomet had but his Alcoran bound up in a handsome Volume, and caused a Wild Ass to be taken, and the book to be tyed about his neck; and as he Preach'd, upon a sudden fell into a Rapture, as if something had been revealed to him from Heaven, and so presently brake out, and told the people, That God had sent them a Written Law from Heaven, and let them go to such a desert, and they should find it tyed about an Asses neck; and they presently received it. And as for their Reward, for the observation of his Law, he delivered to them the low and homely Parable of the Ramm, That at the end of the world he should be transform'd into the likeness of a mighty Ramm; and all behung with Locks, and long flieces of Wool; and that they should be as Fleaes sheltering themselves in them; and that he would give a leap into heaven, and so convey them all thither. And these things still as matters of Religion and Faith, were so allowed well enough, even in their gross and literal sence, by the simple people. Last of all the Christian Religion also is not free from the mixture of the like gross impostures in several parts of the World, where it is professed. He that will take a view of the wild practices of the late Anabaptists in Germany; of the decoits and fopperies of Rome; of Muncer's laughing, and crying out, (when he was pulled with red hot Pincers for deceiving the People) that they would have it so; of the weepings and Miracles of Images in the Romish Church; of the Indulgences and Sales of Pardons up and down in the streets, and market places of Spain, and Italy; and the like things; will quickly acknowledg it. And other Eastern Churches have the like in them also. And finally, abundance of these things are at this day experimented upon the simple people in other Religions also. The Turkish and Persian Mahometans; the several sorts of the Gentues or Gentiles dispersed up and down in all the Provinces of India, both within and without Ganges, the vast Kingdome of China, the Isle of Japan, and the like Eastern Countries, ordinarily describ'd by Historians and Geographers; are all of them great instances of these things. Their Bra-

De Resurrexi-
one lib. 11.
cap. 19.

Avienus. lib. 2.
cap. 12.
Johan Leo lib.
3. cap. 12.
Aphric.

Bernard. in Ro.
jav. part. 1.
Serm. 10.

Vid. Polybist.
Cap. 65. De
Indiâ.

mines, or Priests, teach them the *Pythagorean* Doctrine of Transmigration of Souls; and they nourish Apes and Monkeys to receive them at their Death. They teach the women to be voluntarily burnt or buried alive at the Funerals of their Husbands; and they also being so taught, contend earnestly amongst themselves which of them shall take that cruel lot; and so are zealous Suicides. And the like other things are recited concerning them, and their Customs also heretofore, by *Julius Solinus* and others. And any the like Doctrines which their Priests deliver to them are as easily digested by the simple vulgar. So that thus it is with the vulgar, as to the first part of the Magistrates Charge, they being weak and fit to be led. And this is yet further observable concerning them, that they are so alwayes rul'd by Shewes and Customs; That when any where there happens a Change of Religion (and be the change of it in it self, never so absurd, and never so much oppos'd by them at it's first setting up; yet) if it be but accompanied with fair shewes, and good pretences, Custome, sometimes in a very little time, but alwayes ordinarily in one Age, will make any Religion currant with them.

2. The like Errors they are apt to run and be led into also in respect to Government, either Ecclesiastical or Civil; either of themselves, or by these Pretences, and Custome. The *Greek* and *Roman* Histories, in the several mutations and hazards of their Governments, are full of examples in this kind. And the People still have been drawn either to obedience by their Governours; or to Rebellion by the Leaders of Factions; by these things. And the pretences of Reformation, and liberty of Conscience, and Christian liberty, as to matters of Religion, and of liberty of the Subject in matters Civil, have been the common Lures of all Innovators, by which they have drawn them to them in all Ages and Societies. So in the Sacred Records, and under the Government of *Israel*; the people oftentimes ran themselves into Murmurings, Tumults, and the like, against *Moses* and *Aaron*, their Church and State Governours. And although the Politicians use to say, That a multitude, without some one to lead them, is not to be esteemed of; yet when they are either in such actual madness, or in a disposition to it, it is seldome that there wants some head or other to lead them. So also the company of *Corah* were led away by him, under Pretence of Religion; and in *David's* time the followers of *Abshalon* by him, under the pretence of Liberty of the Subject. So *Herodotus* recites it concerning *Pisistratus*, that he recovered his Tyranny, which he had lost; at *Athens*, by putting a Woman, one *Phya*, into the Habit of the Goddess *Minerva*, and by having her driven along the streets in a Chariot to the Temple of the Goddess by some crying before her, O ye *Athenians* receive again *Pisistratus*, whom *Minerva* herself brings back to you! and the people presently performed Divine

Vid. Exod.
14. 10; 11.
Exod. 16. 2, 3.
Exod. 17. 2, 3.
Exod. 32. 1, &
4.
Numb. 14. 1,
2, 3 4, 5, 6, &c.
Num 16 1, 2, 3.
1 Sam. 15. 1, 2,
3, 4, 5, 6.
In Glio.

vine Honours to the Woman, and received *Pisistratus*. So also the Roman Senate, in *Livie*, when the People were in Sedition about the *Lex Terentilla*, recalled them, by telling them out of the *Sybilline Oracle*, That unless they abstain'd they should that year lose their Liberty. The like is said of *Minos* King of *Crete*, concerning his betaking himself into retirements, and coming forth and dictating his Laws, as from the Gods. The like of *Licurgus* his consulting *Apollo's Oracle*; and of *Zaleucus* amongst the *Locrians*. The like also did *Camillus* the Dictator in his Siege of *Veii*: The Souldiers being weary and ready to depart; the *Albanian Lake* swelling above his banks; he interpreted the Oracle sent from *Delphos* concerning it, that then they should win the City. He marcheth out before the Souldiers, And, *Tuo ductu, inquit, Pythice Apollo; inoque numine instinctus, pergo ad delendam urbem Veios: Under thy conduct, saith he, O Pythian Apollo; and being inspired by thy Deity, I go forth to the razing of the City Veii.* And so he wan the City. The like also is recorded of *Scipio Africanus*, that he accustomed himself to deceive the multitude, even from his youth: and that he never went about any publick or private affairs, before he had entred alone into the *Capitol*, and sat there for some time; and he us'd this all his life; and at his coming forth, the multitude obeyed his words as Oracles, and at the last accounted him a son of the Gods. The like is said of *Quintus Sertorius* his leading a White Hart along with him as his Instructor from the Gods: And of *L. Sylla* his lifting up a little Image of *Apollo*, sent to him, as he said, from *Delphos*, and in the sight of the Souldiers, so often as he came to fight a Battle, he praying to him to hasten his promised Victory. The like is said in the Mahumetan Annals of *Mustapha*, his leading a Sedition by feigning himself a Prophet: Of *Amurat* his feigning his Warre to be given him in command from Heaven: Of the *Turks* being stirred up against the *Persians* by the Interpretations of Dreams, and the like. The like also is said of *Charles of Bourbon*, General of the Emperors Army in *Lombardy*, in the late History of the Council of *Trent*: That when his Souldiers wanted pay, he caused a Halter to be carried neer his colours, saying, that with that he would hang the *Pope*; and by that slight he overcame that and other difficulties. And last of all, the like practices were in the late Civil Warres in *England*: In the beginning of them, *Versutissimi Homines*, sayes the Historian, *De Religione actum; de libertate publica conclamatum; leges in summo periculo versari passim clamitant*: That there were some Crafty men, who did noise it up and down, that Religion was destroy'd; the Publick Liberty lost; That the Lawes were in extreamest peril. And afterwards *Cromwel* the Usurper was said to be wont to go aside from his Council, to seek God, as he said, for a Resolution. And he blinded even the weaker sort of them also by it: And he had his State Divines, to

Decad. 1 lib. 3.

Livius. Det. 1. lib. 5.

Apud Liv. Dec. 3. lib. 6.

Apud Leunclav. Annal. Turci. Paulo post princip. n. 79. ibid. paulo post n. 92. Ibid. In Supplement. Annal. prop. med. n. 1576. Fol. 43. lib. 1.

Dr. Georg. Ba-teus; In Elencho monum. parte 1. p. 16.

put the faire Glosses of Heroick motions of the Spirit upon his fowlest Actions, and the like. Thus then it is with the people in respect to matters of Government also; and where such sleights are made use of, if they be well manag'd, and there be opportunities given, they seldome faile of prevailing with them.

3. The like errors are the multitude thus subject to also, in respect to matters concerning the Consistency of Religion with Government.

The frequency of their Errors and Offences in this kind.

Orat. Pro. Ctesiphonte.

Ibid.

Orat. De falsâ Legat.

In Panathenaeico.

Ibid. in princip.

Orat. de pace.

Pro Rosc. Com.

V. And lastly; And that we may summe up all; how frequently have all these things concerning the heedless multitude been in the World? All Chronicles of times and Histories of Humane Affairs are full of the Presidents and Examples of them. The more honest and sober of the Greek and Roman Orators heretofore alwayes complain'd of the peoples wilfulness in being deceived. So Demosthenes; *Τὸν δὲ ἰδιωτὴν, καὶ πολλῶν, καὶ πᾶσι περιπατοῦντων, καὶ τῷ κατὰ φύσιν καὶ ὅλῳ διαλογισμῶν.* That while the Common People and multitude did not foresee things to come, it was beguil'd by Tranquillity of life, and daily Idleness. And Again, *Itaque multitudini hoc usu venit, ut, pro infinita illa & intempestiva desidia atque ignavia, libertatem amitteret: Therefore this is common to the Multitude, by reason of it's infinite and unreasonable sloath, and dulness, to lose it's liberty.* And elsewhere, *Populus sane turba est, & res omnium instabilissima, atque imprudentissima; ut in mari fluxus flexibilis & inquietus, qui ut contingit agitat, alius venit, alius recessit, ac nemo reipub: curam gerit, immo ne meminit quidem: That the people indeed is a Rout, and the most unstable and imprudent of all things; being flexible and unquiet as a Wave in the Sea; which, as it happens, being driven up and down, one comes, and another goes, and no body takes any care for the Commonweal, no not so much as thinks of it.* So also Isocrates Satyrically told the Athenians; That two things there were that prevail'd most in Cities, A great Voice, and Boldness: And that the Common People liked more those that would tell them Lies, and Stories, then the things belonging to their Welfare, and Safety. And, *Τὸ δὲ πᾶσι νομιναῖς καὶ ἐν τῷ σίμῳ παροτρύνοντες ἐνταῦθα, καὶ μάλιστα δημοκρατίας, ἵνα καὶ μεθύοντες καὶ ἠφρονας, καὶ τὸν ἐν ἑσπέρῃ καὶ ὑπνοῦντων; That they praised Varlets ascending Oratories, and valued Sots more then Sober men, and Mad-men more then those that were Wise; and that no sort of men were more mischeivous to a multitude then wicked and Tribunitian Orators.* And the like were the Complaints amongst the Romans: *Sic est vulgus, sayes Cicero, ex veritate pauca, ex opinione multa estimat: So is the Common People, it esteems of few things according to Truth, but of most things according to opinion.* And the like have been the everlasting complaints of all times and places in the World. So that thus it is with the People. And as Plato sayes of man, That he is the Sport of God; So have these been in respect to these things, the Scorn and Sport of Impostors.

VI. The

VI. The Persons ordinarily guilty then of voluntary Offences, and the faults of malice against the publick charge of the Magistrate, are the other sort of men (*viz.*) wicked and cunning men, *Demagogues, Herefarks* in matters of Religion, and Ring-leaders of Sedition in matters Civil: And these ordinarily such who are partly Prophanes, either to lesser or greater degrees of Prophaness; and partly Atheists and down-right Contemners of a Deity, and so have no sence of Conscience or Duty upon them, either towards God or Man. The Prophanes Persons, some of them are such to such a degree, that they deserve the name of Practical Atheists. And the others are speculative Atheists: and that such there are, and alwayes have been in all Societies, it is abundantly evident. The Practises of men, and such as we shall here forthwith mention, shew it daily. And Aristotle sayes, *Itaque viri boni & virtute præstantes Seditionem non faciunt, cum multis enim improbis comparati valde pauci fuerint.* Therefore good men, and such as excel in virtue, are not those who make a Sedition, seeing that it will be found that they are but very few, if they may be compar'd with wicked men. And Plato in his books of Lawes tax'd the Atheists of old; That they were wont to say scoffingly amongst the Heathens, that not the Sun, Moon, and Stars, who were worship'd; but that the Earth and Stones were the Gods. And, *Quomodo non commotus Deos esse aliquis differat?* How can a man dispute against such Persons, sayes he, but with anger? Some of the Roman Emperours in their times laugh'd at Religion. And the Acute Satyrists describes the Tenents of such men:

The Persons ordinarily guilty of the Faults of Malice.

Polit. lib. 5. cap. 4. §. 27.

Dial. 10.

Ibid.

Vid. Suetonium In caligula. &c. Juv. Satyr. 3.

*Sunt qui in fortunæ jam casibus omnia ponunt,
Et nullo credunt mundum rectore moveri,
Natura volvente vices & Lucis & Anni;
Atque ideo intrepidè quæcunque Altaria tangunt.*

*There are those now, who attribute all to Chance and Fortune,
And do believe the World to be mov'd by no Guide,
Nature turning about the Course both of the Dayes and Year,
And therefore they approach to any Altars without any fear
or respect to them.*

VII. The things that excite and stir up these Persons also to the Commission of such faults against the Charge of the Magistrate are their several Lusts and Corruptions, (*viz.*) Those which have Temporal interests, and the adored things of this World for their Proper Objects. And those vicious Passions, and Corruptions are, either such as respect the things and Affairs (according as they are diversly valued) or else the Persons of men. The things of this world ordinarily valued by men in the first place are Riches: And

The Causes exciting them to the Commission of such Faults.

Ecclef. 10. 19.

Polit. lib. 2.
Cap. 7. §. 5.Lib. 1. Cap. 3.
§. 2. in fine.
The impetu-
ousness, and
violence of
these exci-
ting causes.
1 Thes. 4. 5.
Apud Sueton.
in Nerone.Holy Court
Tom. 4. Tract. 1.
§. 3.Certain Do-
ctrines in the
Christian Re-
ligion made
use of by
these Persons
for the Pro-
motion of
their several
ends.

the wife man gives the reason of it, because they answer all things: And the particular Lust in men, the proper object of which they are, is Covetousness. The things valued in the second place accordingly are Honours and Reputation, esteem, a name, and the like: And they are the proper Objects of the Lusts of Pride, and Ambition. And these two sorts of Corruptions are the principal of these causes exciting men to the Commission of such faults against the Magistrates charge mention'd. *At vero fraudes prope modum omnes, atque injuriæ, quæ quidem Consilio & voluntate susceptæ sint, ab Ambitione & Avaritia profisciscuntur*, sayes Aristotle; That indeed for the most part all Deceits, and Injuries, which are undertaken by Consultation, and voluntarily, do proceed from Ambition and Avarice. And then the things valued in the third and last place are Pleasures; and they are the proper Objects of voluptuousness, according as it is variously diversified. But yet several men have these evil passions more or less severally ruling in them, according to their several Tempers, Occasions, given for the acting of them, and the like. The second sort of Lusts, and such as respect the Persons of Men, are Envy, Anger, Malice, Revenge, and other such, which do use to vomit forth their Rage and Poison against others, as is more generally hinted above.

VIII. The impetuosity and violence of these corruptions is famously known in the World. The Word of God calls it *invidia*, the passionateness of Lust. And the writings of all men, and the Experiences of all Ages have attested the same. *Occidat modo imperet*, said Nero's mother of her Son; That he should kill her, if he would, so that he might but be Emperour. And *hoc est illud minimum Punctulum*, sayes Seneca of the Earth, *quod ferro & igne dividitur*; That it is that very little point which is divided by Fire and Sword amongst men. And therefore Temporal Interests are by Elegant *Causin* rightly call'd, *The first Gospel of men in this World*.

IX. There are certain Doctrines in the Christian Religion, which are indeed of great moment as to the spiritual man, but are disputed variously by the several subdivided Professions in the Christian Church; and those are the Doctrines of *Special Grace*, *Spiritual blindness*, the *enmity of the natural man*, and the like. And these are those which have been principally made use of in all Ages, by the several *Herefarks* and Ring leaders of Sedition, for the promoting of their several ends in the Christian Societies. They have asserted and reputed their parties only to have had special Grace, and others to have been Carnal men: And if those others have not seen any reason for their wayes, they have said it hath been, because they were spiritually blind: and have been ready to apply that of the Apostle to their Case, if our Gospel be hid, it is hid to them that are lost. And if those others have made any opposition

against

against them, they have said it was from their natural enmity to Godliness. And hence it is that the way concerning these Doctrines, amongst us now vulgarly called Arminian, hath been by some Christian Churches countenanced and asserted, or at least not much discountenanced, nor contradicted. The Church of *Rome* hath solemnly professed it, and the main of it. And the Church of *England* (amongst others called reformed) hath in the Rubricks of her present Liturgy asserted universal Grace to be bestowed in Baptisme: And hath not *in Terminis* contradicted the Arminian way in her Publick Canon of Doctrines: And hath suffered the debates concerning it, to be ventilated in her Universities. And as to these Doctrines, and so farre forth as they are concerned here, certainly that way of Tenent concerning them is to be looked upon as truth, and as intended by the Scripture, and accordingly to be chosen by all Churches, which tends least to Division, and most to the Promotion of the welfare of the Publick Charge of the Magistrate in an Ecclesiastical Uniformity.

See the Order for the Administration of Publick Baptisme. In Rubrica ad fin.

X. In the mean time, of all things in the world the Charge of the Magistrate is most likely to be invaded by these Lusts of men, which have been mention'd, in any Society: and that because the places of Supreme Governours are alwayes accompanied in the most eminent manner, with the great Adored Trias of Riches, Honours, and Pleasures; or at least are so commonly deemed to be: and so the places of all other Governours also gradually and proportionably both in Church and State: and the making use of the pretences of Religion, and the rendering it inconsistent with Government, is a most potent means for the wresting of a Governours Power out of his hands. And the *Heresharks* ordinarily in this Case, as in all other, are Ecclesiasticks, or Churchmen; for so sayes the Scripture it self, as to matters concerning Religion; That from the Prophets is Prophaneness gone forth into all the Land: And they are those that make all the stir in the World about these things. Such *Heresharks* heretofore in the primitive times of the Christian Church were *Donatus*, *Arrius*, *Sabellius*, *Servetus*, *Samosatenus*, and the like mentioned in the Catalogues of Heresies, and Ecclesiastical Histories; and interdicted by the Code of *Justinian*, and other parts of the new Civil Law. The Ring-leaders of Sedition immediately in matters Civil (and whether taking occasion from these matters of Religion or other things) ordinarily are Laicks: and those aiming at the Supream Magistrates Throne, and the things that are so Gay in their Eyes belonging to it. And what is it that men will not do for a Kingdome? *Tullia*, sayes the Roman Historian, *stuck not to be the murtheress of her own Father, and to drive her Goar-blood Chariot over his dead Body lying in the way to her Pallace, that she might salute her Husband King in his stead.* And it is recited concerning *Julius Caesar*, that he was wont alwayes to have in

Of all things in the World the Charge of the magistrate is most likely to be invaded by them.

Jer. 23. 15.

Vid. C. Tituli De Hereticis & manichæis. De Judæis &c. Et passim alibi.

Livius. Decad. 1. lib. 1.

Apud Sueton. In Julio.

his mouth these two Verses of *Euripides*, which he himself thus rendred, sayes the Historian.

*Nam si violandum est Jus, reguandi causa
Violandum est; aliis rebus pietatem colas.*

*For if Right be to be violated, for a kingdomes sakes——
It is to be violated; in other things follow after piety.*

Of all Persons
in the World
the Person of
the Magi-
strate is most
likely to be
invaded by
them also.

XI. Of all Persons in the world also the Person of the supreme Magistrate is most likely to be invaded by the other sort of Corruptions, conversant, as was said, about the Persons of men. And so the Persons of all other Governours also gradually, and Proportionally, both in Church and State: and that because Governours of all sorts, and especially the supreme, are the publick Persons that have to do with all sorts of men, the life of the Lawes, and the cause of the Execution of them, the Formers of the Tempers of times, and those that cross the grain of such as like not their Government. And then it is no wonder, if upon a thousand occasions there be the Spirits of male-contentes rising up against them in all Societies.

The Conclu-
sion drawn
from all these
things.

XII. Last of all then. All these things being so, we must come to lay down but this one Conclusion from them: And that is, That how much reason then is there for the Supreme Magistrate in every Society to take all care possible, and to use all due meanes, for the securing his Charge from both these sorts of mischiefs which we have mention'd, (*viz.*) Those which it is subject to both from the faults of Imprudence, and faults of Malice? and if he do not do it, he cannot be said to discharge his Trust, either towards God or towards his People, either towards God in respect of his duty, or towards his People in respect of their welfare and common good of his Society. And this Supreme and Publick Charge of his also is the thing ultimately to be preserved by an Ecclesiastical Uniformity.

C H A P. VI.

The more general Description of the *Civil* and *Ecclesiastical Powers*; and which belong to the *Chief Magistrate*, and *Ecclesiastical Ministry*, as their distinct *Rights* in an *Ecclesiastical Uniformity*.

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| <p>I. The First and Capital Distinction of the Persons concern'd in Government.</p> <p>II. The Christian Church, and Civil State, are distinct Societies.</p> <p>III. The necessity of difference of Order and Power in Governours.</p> <p>IV. The distinction of the Civil and Ecclesiastical Powers flows from the Divine Appointment, according to the different quality of the affairs about which they are Conversant.</p> <p>V. The Question stated, Whether Church-men may have to do in the Administration of Civil Affairs?</p> <p>VI. A Caution subjoyn'd.</p> | <p>VII. The necessity of difference of Orders and Degrees of Churchmen, and Ecclesiastical Persons in any Church-Society.</p> <p>VIII. The several Orders and Degrees of Ecclesiastical Persons mention'd in the Christian Scriptures; and the Churches Power of varying concerning them.</p> <p>IX. The Rights and Powers belonging to the Ecclesiastical Persons as such.</p> <p>X: <i>Erastus answer'd.</i></p> <p>XI. The Character of the Ecclesiastical Persons Function is Indelible.</p> <p>XII. The necessity of some Supreme amongst men.</p> <p>XIII. The Supreme Person defin'd as to his Political Qualification.</p> <p style="text-align: right;">XIV.</p> |
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XIV. And as to his Person, and that is the Civil Magistrate.

XV. This Supreme Power is committed to him by God as Creator and Conserver of all things. And what is the extent of such Power.

XVI. For the discharge of his Trust in the exercise of such Power there is a necessity of his having an Indirect Power in Spirituals, as a branch of such supreme Power conceded to him. And the extent of such Indirect Power.

XVII. That this Indirect Power is his Right, both by the Law of Nature, and Nations, and the Divine Law.

XVIII. First, by the Law Natural.

XIX. Secondly, by the Divine Law.

XX. Thirdly, and lastly, by the Law of Nations also.

XXI. The Question Answered, Why the Ecclesiastical persons as such should not have Supremacy over all.


XXII. By the Magistrate's Indirect Power in Spirituals he is appointed to be a Foster-father to the Church.

XXIII. The Supreme Magistrate may commit the exercise of this Indirect Power in Spirituals to others.

The first and Capital Distinction of the Persons concern'd in Government. *Supra lib. 1. Cap. 3. §. 5.*

Parte prima distingu. 96. Rubric: Autoritas Sacra &c.

The Christian Church and Civil State are distinct Societies.

I.  Having already distinguish'd Government in the general into Ecclesiastical, and Civil, we come here to distinguish the Powers more generally belonging to each of those sorts of Government as their Rights; both in relation to all Humane Society, and also more particularly to an Ecclesiastical Uniformity. And the Persons concern'd in those powers differently are the King and Priest; who betwixt them rule the world, as men in it are members either of the Church or State. *Duo sunt, Imperator Auguste* (sayes Pope *Gelasius* (in the *Decretum* to the Emperour) *quibus Principaliter hic mundus regitur; Autoritas Sacra Pontificum, & Regalis Potestas.* There are two things, O Magnificent Emperour, by which this World is Principally governed; the sacred Authority of the Chief Bishop, and the Kings Power.

II. The Christian Church, and Civil-State, are in themselves distinct, and different Societies; and so they ought to be esteemed to be in every Ecclesiastical Uniformity; the one being a Civil, and the

the other a Spiritual Conjunction of men: and God who hath appointed them both to have a being and continuance in the World, hath also appointed distinct Governours and Governments for them: Or else, if it were not so (Government being necessary to Society) they could not both subsist and continue apart in the World. But it is not only convenient, but necessary for the Benefit and well-being of mankind in relation to them both, that they should be in a Capacity so to subsist; and *De facto* they have so subsisted.

The necessity of difference of Order and Power in Governours.

III. The difference of Order and Power in Governours is a thing necessary to the being of all Governments of these greater Societies. And that because neither is one man able to execute all offices in such Societies, nor can many men so execute them, either the same Persons at diverse times, or else diverse persons at the same time, without a difference and variety in their several Capacities, both in respect to order and power, according to the different nature and quality of their Affairs belonging necessarily to those Offices. *Jethro's* advice to *Moses* was to divide the burthen of his Government amongst his deputed officers; because himself alone was not able to bear it. And the Roman Civil Law suffered not four Guardianships at once to be laid upon one man. And all Humane affairs are necessarily of a more or less eminent quality, according to the diverse respects they have to things and Persons in the World.

Exod. 18. 13, 14, 15, 16, 17, &c.
F. de Excusationibus Tutorum, & Temporibus eorum, L. Excusantur.

IV. The distinction and proper extent of the Civil and Ecclesiastical Powers and Rights of Government in any Society, flows each of them from the appointment of God, according to the distinct nature and quality of the things and affairs in which they have to do, and in which it is necessary that they should have to do for the support of their distinct and several Societies. *Sacerdotes* (says *Aristotle*) *Genus sunt quoddam Ministrorum à Civilibus Magistratibus* (scil. ex natura rei) *restituendum & separandum*; That Priests are a certain kind of Ministers (viz.) from the nature of their Office) to be distinguished and separated from the Civil Magistrates. And God whose works are perfect (says *Padre Paule*) and who is the Author of all Principalities, gives to every one so much Power as is necessary for his governing well. And these Powers in all Societies, and the Ecclesiastical Uniformity of them, act either in Conjunction one with another, as when Religion is National, and the Church incorporate into the State; or else separately one from the other, as in the contrary case; But yet still the Ecclesiastical power ought to Act so as in subordination to the Civil, and according to the will of God. And that these Powers are alwayes, and more particularly in every Ecclesiastical uniformity, to be preserved distinct by the appointment of God, and according to the different qualities of their Affairs, it is evident from the Universal Consent of all Lawes and Nations

The distinction of the Civil and Ecclesiastical Powers flows from the Divine appointment, according to the different qualities of those Affairs about which they are conversant. *Polit. lib. 4 cap. 15. in princip. ibid. vid. History of the Inquisition Chap. 28.*

Supra lib. I.
cap. 3. §. 4.

De Repub:
Hebraeor. ca. 2.

Ibid.

Ibid.

Exod. 40. 13,
14.
Numb. 8. 1, 2, 3,
4, &c.
Numb. 1. 49.
Num. 3. 15.
Numb. 1. 53.
In loc.

Musæus Elou-
sin. cap. 13:

Anthenio. Co-
med. lib. 14.
p. 661.
Aristoph. in
Plus. pag. 71.

Cap. De Au-
gur.

In Nums.

De Orbis Situ
lib. 3.

that ever have been in the World. So in the Polity of the Patri-
arks, and first men in the World. The Priestly office, and the office
of the Civil Magistrate (although united in one Person (as hath
been said) were ever reckoned as distinct, and were conversant a-
bout distinct sorts of affairs. *Sacerdoti functum fuisse Adamum du-
bium non est, tum in recipiendis, atque offerendis Sacrificiis, &c.*
Iayes Bertram: *It is no doubt but that Adam did discharge the
Priestly Office, and that both in his receiving and offering Sacrifices.*
And so of Noah: *Noachus ex Arca egressus, ad Pristinis Ritus divi-
ni Cultus redit; eosque apud suos omnes nondum dispersos exercuit.*
That Noah being come out of the Ark, return'd to the Ancient Rites
of Divine Worship; and exercis'd them in his Family before it was dis-
pers'd. And so of Abraham as Priest also: *Abrahamum sacrificasse
apparet ex Gen. 15. 19. and 22. 2, 7, 9, and 13. Abrahamum docuisse
apparet ex Gen. 18. 19. atque adeo Prophetam fuisse ex Gen. 20. 7.
Gen. 15. 19, &c. That Abraham Sacrific'd it appears out of Gen. 15.
19. and 22. 2, 7, 9, and 13. And that he taught also it appears out of
Gen. 18. 19. And that he also was a Prophet, out of Gen. 20. 7.* So
that they still as Priests did the work of the Priestly Office. So also
in the Polity of Israel in the wilderness: God himself established
and assigned particularly the distinct office and affairs of *Moses* and
Aaron. And therefore *Aaron* and his Sons were annointed solemn-
ly to their office. And the Tribe of *Levi* was not mustered with
the other Tribes: And they only were to Pitch their Tents about
the Tabernacle. And the *Hebrewes* do observe on *Numb. 3. 38.*
that there is a pause or distinction betwixt the names of *Moses* and
Aaron; To signifie (Iayes *Baal Hatturim*) That *Moses* pitched in one
place by himself, and *Aaron* and his Sons in another place by them-
selves. And so was it also afterwards in *Canaan*, and all along
downwards in the Generations of *Israel*, while they held any Na-
tional Communion in one settled Society. The like also was ever
amongst the Gentiles. So amongst the Greeks they had their
Musæi or *ἱερεῖς*, Those that prescribed what they were to do
ordinarily in holy things; like the High Priest in *Israel*, and the Bi-
shops in the Christian Church. They had their *ἱερόδοξοι*, and *ἐκκλησιαστικοί*,
and *ἱεροφάνταις*, Their Priests in the great Mysteries, Their ordinary
Ministers and attenders at their Altars, answerable to such also in
the Jewish and Christian Churches. Nay, they had also even their
Νεωκόμοι, *Ναοκίονες*, Their Sweepers and keepers of their Temples: And
all these appropriated to the businesses of their several Functions
in holy things. So also amongst the Romans: *Romulus* himself In-
stituted the Colledge of *Augures* (Iayes *Pomponius Latinus*) And after
him *Numa*, and many other Orders of Priests. The two Orders of
the *Salii*, and *Feciales*, as *Plutarch* mentions: And the *Flamines*, and
others are vulgarly known. So also the *Druides* amongst the *Galles*,
mention'd by *Pomponius Mela*, and others. And the *Gymnosophystæ*
amongst

amongst the *Indians* mentioned by *Julius Solinus* also, and others. And all these were appropriated also to the businesses of their several offices. The like also have been the Orders and Offices in the Christian Church, and which are recorded in both Lawes, and the Ecclesiastical Histories. The *Patriarchs*, *Metropolitans*, *Arch-Bishops*, *Priests*, and *Deacons*; and the other inferiour Church-Officers. And by the Laws of the Emperours they also were determin'd to be a distinct Body from the Laity; and in their several Stations had the peculiar assignation of the Church businesses to their management; and as Churchmen were excluded from the ordinary management of other matters, as not-being the Proper business of their Function. So the Emperours *Honorius* and *Theodosius*. *Placet nostræ Clementiæ, ut nihil commune Clerici cum publicis actionibus, vel ad Curiam pertinentibus, cujus Corpori non sunt annexi, habeant.* It pleaseth our Clemency that Clericks should have nothing to do in common with publick Actions, and such as belong to the Civil Court, to the Body of which they are not annexed. And they had also their Ecclesiastical Courts, and proper Tribunals, before which only (ordinarily) and first of all they were to be summoned; as is to be seen in the several Laws in the *Code*, and *Novels* of *Justinian*, under the Titles, *De Episcopis & Clericis*; *De Episcopali Audientia*; *ut Clerici apud proprios Episcopos primum Conveniantur*; and the like. And so also in the Ecclesiastical Histories, the Canons of Councils, and the several parts of the *Canon Law*, down all along the Ages of the Church. And the like also in the *Theodosian Code*, and the several later and more particular Lawes of Countries. In the *Code*, in the sixteenth Book, under the Title, *De Episcopis, Ecclesiis, & Clericis*, and in other places. And the Lawes of *Charlemain*, *Ludovicus Pius*, *Carolus Calvus*, and others do every where appoint the same. And the like *Cromerus* recites of *Poland*: *Est autem judiciorum Ecclesiasticorum summæ penes Episcopos*, sayes he, *Quorum vices gerunt ii, quos vocant Vicarios in Spiritualibus, Cancellarii, & Officiales; inter quos unus qui est primarius generalis appellatur; Ceteri foranei, &c.* That the summe of all Ecclesiastical Judgements is in the Power of the Bishops; whose places they do supply whom they call *Vicars* in *Spirituals*, *Chancellors*, and *Officials*; amongst whom one who is the Chief is called the *Vicar General*; The others are proper to their several Courts. And last of all, the like recites *Doctor Cossin*, the *Dean of the Arches*, concerning the Constitutions of *England*. And so runs the whole Series generally of the Lawes and practices of all other Countries. And it is but natural that businesses of a Calling should be referred to men of a Calling, even in the inferiour and more particular vocations in Societies; and that those vocations should be distinguish'd and differenc'd according to the different nature and quality of their Affairs.

C. De Episc.
Et Cler. L. Placer.

Vid. C. De Episcop.
cop. & Cler.
l. nullus Episcop.
cop. Et l.
Cum Clericis
in Judicium.
Et l. Causa
que sit, & L.
Clericus quoque
&c.

Et De Episcopali
Audient. l.
Episcopalis Judicium.
Et l. Sancimus ut
nemo, &c.

Et Novell. Constitut. 383 &c.
vid. Capit. Caroli magni,
& Ludovici Pii,
&c.

Lib. 6. ut Clerici
Judices secular. non ad.
ant. Et lib. 5. ut
nemo audat,
&c.

Et ut Clericus
vel Monachus,
&c. Et lib. 7.
ut nullus Clericus,
vel Abbas,
&c. Et de his
qui sine iussione
Episcopi, &c.

Polonie lib. 2.
circa med. &
infra.
Ecclesiæ Anglicanæ
Polit. Tab. 2. &
Tab. 2. d.

The Question
Stated, whe-
ther Church-
men may
have to do in
the Admini-
stration of Ci-
vil affairs?

Lib. I. Cap. 5.
§. 6.

V. Here then is a great *Question* arising, (*viz.*) *Whether Churchmen may at all intermix in the administration of Temporal affairs in any Society?* We affirm the *Question*. And but that it may be so in some Cases, and for some reasons, neither the Law of Nature, nor the Divine Law, either Mosaical or Evangelical, nor the Civil Lawes and Customes of Nations do contradict: as we have said already, That the same Person may *de jure* bear the office of Supreme Priest and King. And 1. First, as to the Light of Nature; if the Ecclesiastical Person be considered as a member of Humane Society in the general, and so as standing in a Civil, as well as an Ecclesiastical capacity, it no way contradicts it. Nay, so farre forth as his intermixing in Civil administrations may make to the good of humane Society, and particularly to the Consistency of Religion with Government, and the preservation of it; and that either by the imployment of eminent abilities in Ecclesiasticks, or else by the maintaining any wayes Amity and a Charitative Correspondence betwixt the Ecclesiasticks and Laicks in any Community, or by it's promoting the distribution of Justice to both Sorts of Persons in the Courts, or the like; it prompts to it, and *pro hic & nunc*, it commands it. The Administration of Justice is one of the Principal Pillars of all Common-weals: and a charitative Communion betwixt the two States of Laicks and Ecclesiasticks hath been ever endeavoured and wished for by the Lawes and Constitutions and advices of all Princes within their Territories. *Ut Episcopi & Comites Concordes sint, & Comites eorumque ministri Episcopis atque eorum Ministris in omnibus adjutores existant*, sayes Ludovicus the fourth of France, in his Constitutions appointed by him to be published as such, by Erchembaldus his Chancellor: That his mind and desire was, That the Bishops and Noble men should be friendly one to another, and that the Noble men and their Retinues should be any ways assisting to the Bishops and their Retinues. And in the Kingdome of Poland, sayes Cromerus, *Publicum inter Sacrum & Militarem sive Equestrem ordinem Controversiarum arbitrium atque transactio penes Regem est*: That the transactiō and determination of publick controversies betwixt the Sacred and Military or Civil Orders, is reserved to the King. And it is the saying of Acoſta; That as a means for the converting the Indians to Christianity, *Supereſt tantum & Civilem omnem potestatem admoneamus, ut in administranda Repub: Indorum, cum Ecclesiastica germanè conjungatur*: It remains only that we admonish the whole Civil power, that in the Governing the Commonwealth of the Indians, it be joyned friendly with the Ecclesiastical. And but that the intermixture of both Laicks in Ecclesiastical affairs (which they as Laicks are capable of Administring) and of Ecclesiasticks in Temporal, may be for the subsequent Reasons a means of promoting these things, it will not be doubted of by

In additionibus
ad Capit. Caroli
Magni. Addi-
tione 4. De
Concordia. E-
piscoporum, et
Comit.

Polon. lib. 2.
Infra med.

De Procuranda
Indorum Salu-
te. lib. 3. cap.
24.

by him that considers how many times Ecclesiasticks are of Eminent abilities in Civil affairs; and how a Total, or but more ordinary separating in Colloquies and Affairs amongst men in the same Society (and those men being consider'd as infirm) will beget a consequent separating in affections; And lastly, how men of a faculty and distinct vocation in the World (consider'd as subject to Corruptions) are apt to be partial to one another in matters of judicature. Many more things might be here said. But there is one Exception to be made to all these things, and which the Ecclesiasticks are to be caution'd against; and that is, that while they serve the Law of Nature in the performance of these Offices mention'd to Government and humane Societie, they do not in the mean time wrong Religion in the (causless and careless) neglect of other offices and duties, which *de facto* they may be oblig'd to, and which may be belonging to their spiritual Function. And this ought to be heeded, because the discharge and affairs of that Function are of great moment, and worthy the employment of Angels.

2. The Divine Law then is not to be suppos'd to contradict the Law of Nature in these things; since the Christian Religion (as hath been said) is every way a friend to humane Society, and the consistency of Religion with Government, by which such Society may be maintain'd. That which by some is thought inconvenient in this particular, and upon which by *Grotius*, so great a weight is laid, that the same person cannot without desultory lightness put on the behaviour of a Magistrate or Civil Officer, and of a Clergyman also (such as is described in the New Testament), is not so much to be regarded; because by a man considering it, and the ductileness of Humane Nature to consent to things when accusom'd to them, and the divers States of Humane affairs in the several Societies in the World, it will be found that a prudent man may sustaine the person of both these at divers times, without any such absurdity in manners, or however at least as may be a cause of evil paralel to the good he may otherwise do by sustaining both these sorts of offices. And as to those New Testament Precepts; Of a Minister of Jesus Christ his *not entangling himself with the affairs of this Life*; His *giving himself wholly to these things*, and the like: Persons and times are to be distinguish'd, and due interpretations are to be added to the Texts. As to Persons, those that are Novices in the Spiritual Function are to be distinguish'd from those that are not. As to Times, the Times of Christianity it's being newly a planting, and of it's being for a long time establish'd in a Church, together with plenty of Ministers and Assistances, and less difficulties to be encounter'd with, and the like, are to be distinguish'd also. And as to Interpretations, the Rules of Prudence and general Equity are to be adhibited: And then no man, by any Law or precept whatsoever

*Lib. 1. cap. 4:
§. 5, 6, 7.*

*De imperio
Sum. pot. Cap:
2. §. 6.*

*2 Tim. 2. 4.
1 Tim. 4. 15.*

ever is bound to apply himself so wholly to the business of any Function, but that times and Vacations for the Performance of other due Offices, as occasion requires, are allowed. We are bid *rejoyce evermore, and pray without ceasing*, and the like: Yet those Precepts, in respect to many other things, are in this manner to be Interpreted. So that those that ordinarily say, That Religion and the Function of the Ministry deserve and require the whole man; if they mean Primarily and in respect to the intention of the mind, as imploy'd in the Acts of either, they say truly: But if in this sense we have mention'd, they speak only popularly, but not Truly. Neither do they consider in the mean time, that the serving those Offices of Humane Society mention'd, is a grand and general precept of Religion.

3. Last of all, as to the Lawes and Customes of Nations; they have very constantly voted for what we have affirm'd also. We will begin with the Theocracy of *Israel*. And although it be True that they had their stated distinct Courts both Ecclesiastical and Civil; and God did ever distinguish the Office of the Priest and Magistrate, and admitted none of the Laity under pain of death to meddle with matters proper to the offices of Church-men, either Priests or Levites; as is evident from the Case of *Corah* and his Company, *Numb.* 16. 8, 9, 10, 31, 32. and from *Numb.* 18. 7. and *Numb.* 1. 51. and other the like Texts; yet we shall often find also, that in matters of Council and Judicature, and exercise of Government, and the like, (which concerne the Common-good of Humane Society) there was an Intermixture of both Laity and Church-men. So the supreme Charge of the People was committed jointly to *Aaron* and *Hur*, a Churchman and Statesman, while *Moses* was absent in the Mount; *Exod.* 24. 14. And this was before the Institution of *Urim* and *Thummim* (See *Exod.* 28. 30) and the High Priests special way of passing a Divine Judgment by that; as also the same intermixture both of the High-Priests and other Priests in Temporal matters was usual after the Loss and Cessation of that way, at the Captivity of *Babylon*. So also the High-priest sate in the great *Synedrion*, or Kings great Council in *Israel*. Their ordinary Number was Seaventy, by Gods own Institution; The chief Magistrate did Preside; And, *Summus vero Sacerdos* (sayes *Bertram*) *de Jure responsurus, erat Septuagesimus secundus*; That the Chief Priest, appointed to give in his vote also, was the Seventy Second. And, *propter votorum libertatem non admittebatur Rex* (sayes *Schickardus* out of *Maimonides*) *in Collegium Senatus (excepto Davide)*, at *Pontifices, & Prophetæ, Cateris paribus, recipiebantur*. That, for liberties sake of voting, the King was not admitted into the Colledge of the Senate, except it were David; but the Chief Priests and Prophets, if it were convenient in respect of things, were received. So that the High-Priest (not necessarily

See Ezra 2.
63. Nehem.
6. 65.

Vid. Talmud.
Bab. in Sanhedrin, Ch. 1.
And Maimon-
ny in Sanhedr.
C. 1. §. 3. 4. 5.
And Num. 11.
16, 17. De Re-
pub. Hebræor.
Cap. 6. De Jure
Regni. Hebræ-
or. Theorem 2.

rily, but if he were a man able, and faithful in affairs) and the Prophets also were often admitted to it. So we find the Priests and Levites mention'd, together with the Judges that should be in those dayes, for the determination of Civil Causes, by *Moses*, *Exod.* 17. 8, 9, 10, 11, 12. And Controversies of Murther, and the like to be tryed by the Priests, *Dent.* 21. 5. And in *David's* time, when he gave up the Kingdome to *Solomon*, he called the Priests and Levites as Officers and Judges before him, *1 Chron.* 22. 2, 4. And in *Jehoshaphat's* Reformation, *2 Chron.* 19. 5. He set Judges in the Land throughout all the fenced Cities of Judah, City by City. And *vers.* 8. Moreover in Jerusalem did he set of the Levites, and of the Priests, and of the Chief of the Fathers, for the Judgement of the Lord, and for Controversies, when they returned to Jerusalem. So we find the Chief Priests and Elders often conjoyning in the New Testament, *Math.* 21. 23. *Math.* 26. 3. &c. And *Josephus* sayes, that formerly in every City there were seven Judges, and for each of them two Levites, who in conjunction one with another made up the several Benches of their Cities. Thus then it was in Israel. And the like were the Customes of the Gentiles concerning these things; if any one will look into the Greek and Roman Histories, and other the like writings. And the like have been also in the Christian Church: The Apostles at their first planting of Christianity, nor their Successors along time after, were not a Church Incorporated into the State: But the Lawes and Customes of the first Christian Emperours went in the same Tract which we have mention'd; and that for the very reasons mention'd also: as is to be seen in the many places of the Code, and Novels of *Justinian*, the *Theodosian Code*, and other Monuments of these things. See the Titles, *De Judiciis*; *De Nuptiis*; &c. in the Code of *Justinian*. And, *ut differentes Judices interpellantium allegationes*, &c. in the Novels, and the like in other Monuments. The like also are the usages abroad; both of late and at this day in the world up and down. Clergy-men, if of ability, are great Officers to Princes, and of Council to them, and the like. So amongst the *Abassine* Christians: *Zaga Zabo* one of their Bishops, sayes *Damianus a Goes*, was that Emperours Embassador to *John* the Third of Portugal, and others; and the like things are recited concerning their Clergy-mens being of Council to the Emperour, by *Godignus* and others. And the same *Zaga Zabo* in *Chytraus* calls himself *Episcopus*, & *Sacerdos*, ac *Bugana Raz*, nempe *Pro-rex provinciae, quæ Bugana dicitur*: A Bishop and Priest; and *Bugana Raz*, (i.e.) a Viceroy of the Province, which is called *Bugana*. And *Johannes Boemius* recites it, that of old it was the Custom of the *Æthiopians* to create one of their Priests King; *Quem ubi regem creaverint, veluti numen insit*, &c. Whom when they had created King, as if there were a Deity in him, &c. And the like he recites also concerning the *Æthiopians* their neighbours, and their

Antiquitat. lib. 4. cap. 8.

De Æthiop. Morib. sub. aliis literis ejusd. David: Æthiop. Imp. &c. De Abassinor. Rebus. lib. 1. Cap. 13, 14. & alibi. In Confessione fidei Æthiop. ad finem. De omnium Gent. Morib. Lib. 1. De Æthiopia, &c. Ibid. De Ægypti. Cap. 19.

De Rom. &
Ven. magistra-
tum inter se
Comparatione.
N 41.
Ibid. N 39.

Poloniae lib.
2. paulo post
princip.

Ibid. post.

Ibid. etiam.

Ibid. ad fin.

In Hispania.
Lib. 6. de bell.
Gallic.

Ecclesiae An-
glicae Politeia.
Tab. 2. A.

Priests using to be of their Kings Councils. The like other things are every where abroad at this day. The Cardinal *Contarene* sayes of the *Venetian State*, *Sed & in Statu Ecclesiastico sunt plures Ordines militum; Alii album amictum gestantes, &c.* But also in the Ecclesiastical State there are several orders of Knights; some wearing White Apparel, &c. And he endowes the Cardinals of the *Roman Sea* with the Secular Titles of *Illustres*, and *Illustrissimi*; *Illustrious*, and most *Illustrious*, and the like: And that according to the Doctrine of *Jason*, and *Decius*, and other Canonists of the same Church. The like sayes *Cromerus* of *Poland*: That the Kings Council there consists partly of Ecclesiasticks, and partly of Seculars: And that from of the old Ecclesiasticks are, *Archiepiscopi duo, septem Episcopi*; Two Arch-Bishops, and seven Bishops. The Seculars, others the Nobles, and Chief of the Realm: and all these hold their places with certain Honours and Immunities annexed to them during life. And, *Archiepiscopus Guesnensis perpetua quadam Pontificis maximi Legatione fungitur, & Legatus natus sedis Apostolicae appellatur*: And, *Habet etiam primatus honorem ab eadem Sede; absque eo quod est antiquo gentis Instituto, & prerogativa Primus Regni, & Princeps Senatus*. The Arch-Bishop of *Guesna* is a perpetual Legate of the Pope, and is called the Legate born of the Apostolick Sea: He hath also the Honour of a Primate from the same Sea: Besides that by Ancient custome of the Nation, and Prerogative, he is the Primate of the Kingdome, and President and Prince of the Senate. And the like sayes he of the Senate and Great Counsel of *Prussia* afterwards. And if we go farther, the like course is held in the *Turks* and *Persians*, and other the great Eastern Princes Affairs. Amongst the *Turks*, the Chief *Mufti* sits in the *Divano*. And the like amongst others. And last of all, the like Course is held also in the Generality of the Territories of the more Westerly European Princes. In *Spain* the Arch-Bishop of *Toledo* is Chancellor of *Castile*, sayes *Damianus a Goes*. In *France* and *Brittain* (as *Cesar* sayes of old) the *Druids* were both their Priests and Judges in all sorts of Causes: So, at this day, in *France* the Twelve Peers of *France* are Six of them Bishops, and Six of them Nobles: And of the Bishops, three Bishops and Dukes, and three Bishops and Counts: And so the Courts consist, partly of Clergy, and partly of Lay-men. And lastly, In *England* the Arch-Bishop of *Canterbury*, *Dicitur Primus Par Regni, Is said to be the first Peer of the Realm*, sayes *Doctor Cosin*. And the other Bishops have their Baronies annexed to their Bishopricks, and are sometimes, several of them, of Council to the King; and sit as one State in Parliament, and the like. And as this Course is thus generally held amongst Nations, as to the greater sort of Clergymen; so as to the lesser and more inferiour also proportionably. So that thus then, and with these Cautions, and for these ends which we have mention'd, The Supreme Magistrate

strate in any Society may commit the discharge of Civil Offices to Church-men: and they also may lawfully discharge them. And since they as well as others are numbers of Humane Society in the Common, as hath been said, there can be no sufficient reason rendered why they also should not be under a general obligation to serve in that Capacity: and he that shall assert and maintain the Contrary, shall do it against the several Lawes and Practises of Nature and Nations which we have mentioned.

VI. In the mean time then their due respects are alwayes also to be preserved and performed to the other estates in any Society: To the Nobility, who are *umbra Regis*, and *Pares Regni*; *the Shadows of the Sovereigne Prince*, and *Peers of the Realme*: And to the Gentry, or second Nobles, secondarily, and in their places also. We presume not to admonish Princes and Governours in this particular; who understand their own affairs so well as to be careful to keep the estates of their Territories in their due Poize one towards another: And both Laicks and Church-men in their several degrees, and while thus intermix'd in Offices, are to be mindful of the several respects to be perform'd to each other. And it is never well, and as it should be in any Society whatsoever, till all these three Estates have their due and mutual respects perform'd to them, both by the Soverain Prince, and by themselves towards each other.

A Caution
subjoyn'd.

VII. As we have said, That there must of necessity be diverse degrees, and orders of Governours in the general in any Society; so here we say further and more particularly, that for the same Reasons also there must of necessity be divers Orders and Degrees of Church Governours, and Ecclesiastical Persons and Officers belonging to them in every Church-Society, and Ecclesiastical Uniformity. So there were alwayes amongst the Heathens, in their Church Societies, as we have partly already mention'd, and as is to be seen in the several Heathen Histories and relations of these things: And so there must of necessity be in all other Churches.

The necessity
of difference
of Orders, and
degrees of
Churchmen,
and Ecclesi-
astical per-
sons in any
Church Soci-
ety.

VIII. As to the Christian Church, there are divers sorts and degrees of Church Governours and Ecclesiastical Persons mentioned in the Scriptures, both of the Old and New Testament, and asserted by all the Ancient Councils, the Canon Law, the generality of Interpreters of Scripture, and the like. Let the Canons of the Apostles; The Councils of *Antioch*, of *Nice*; The several distinctions in the *Decretum*, &c. be looked into. And there are divers Powers also necessarily belonging to these divers Orders of Churchmen, according to the diverse Nature and Quality of the Affairs proper to their Offices. In the Old Testament there are mentioned High-priests, Priests of the second Order (2 *Kin.* 23.4.) or Priests simply taken, Levites, and others. In the New, Apostles, Evangelists, Bishops, Presbiters, or Priests, Deacons, and others. In

The several
Orders and
Degrees of
Ecclesiastical
persons men-
tion'd in the
Christian
Scriptures,
and the Chur-
ches power
of varying
concerning
them.

Vid. Canones
Apostolor.
Can. 35, &c.
Concil. Antior.
Can. 9. Et Con-
cil. Nicæn.
Prim. Can. 5.
&c. De r. vi
part. 1. distin-
21, 23, 25, 79

&c. Et Beza
in Matth. 2. 4.
Grot. in Matth.
2. 5.
Spanhem. in
Dub. Evangel.
Gerhard. in
Harmon.
And Bp. An-
drewes his
Summary of
the Govern-
ment both of
the Old and
New Testa-
ment.

the Old Testament these Church Officers were perpetually fix'd to their several particular Employments. And although in those dayes the Old Testament Church-Polity was intended only for the Kingdome of *Israel*, and the Lawes both of the Church and State were suited one to another, and fixed thus for ever by God himself; yet it was left to Humane Prudence to vary still in Circumstances and indifferent things concerning the Ecclesiastical Polity, according as the present state of Affairs might at any time require, the substance of that Polity ever remaining. So in *Moses*, *Joshua's*, *David's*, *Nehemiah's*, and others times: And so there was a necessity, from the vicissitudes of Affairs, that God had appointed to be in that Church, as well as in the rest of the World, that it should be. In the New Testament, the standing ordinary Church-officers were appointed to be perpetual also. The Ordinary were those whose Offices were ordinarily necessary for the well being of the Christian Church; the extraordinary those who were appointed *pro Tempore*, and as the present state of affairs in the first times did require. And that the Platform of the perpetual and ordinary Offices of Bishops, Priests, and Deacons, was derived and taken from the Pattern of High-priests, Priests, and Levites in the Old Testament, it will not at all be doubted by him that considers the Circumstances attending those things, and the Parity betwixt them. And last of all; if the *Jewes* Church, which was settled under one perpetual Government, and confin'd to one only Nation, had Power to vary however according to the occasions of times, in Circumstances and things indifferent, concerning their ordinary Church-Officers of Ecclesiastical Polity; then much more for the same Reasons, hath the Christian Church such power to vary, which is laid open to be set up in all Nations, and appointed to consist, as to these Circumstances and things Indifferent, with the several sorts of the Civil Policies of those Nations and Countries.

The Rights
and powers
belonging to
the Ecclesi-
astical Per-
sons as such.

IX. The Church Governours and Ministers, in every Christian Church, and the Uniformity of it, have a full power, and distinct Right from Christ of doing all things (properly) as is said) belonging to them, and as such in their several Capacities in the Church, (*viz.*) Of *Ministry*, *Jurisdiction*, and *Order*, as they are usually call'd. And as also the Divine Law of *Christ* saith concerning them; and all Decrees, Canons of Councils, and Ecclesiastical Constitutions derivatively from it. Of *Ministry* (i.e.) Of Preaching, Administring the Sacraments, and dispensing all matters of Doctrine. Of *Jurisdiction* (i.e.) Of commanding, forbidding, inflicting Penalties, executing Ecclesiastical Censures, and dispensing all matters of discipline. And lastly, of *Order* (i.e.) of ordaining others to succeed them in their several Functions in the World. And so saith the Scripture, *Matth.* 28. 18, 19, 20. That Christ gave Power to his Apostles, and their Successors in the Ministry, to

go forth and teach all Nations, Baptising them in the name of the Father, and of the Son; and of the Holy Ghost, &c. And the like concerning matters of Discipline, John 20. 23. Whosoever sins ye remit, they are remitted unto them; and whosoever sins ye retain, they are retained. And the like also concerning Orders. See Acts 1. 23, 24, 25, 26. And Acts 14. 23. And the like also; say the several Councils derivatively from the Scriptures concerning these things. So the first General Council of Constantinople in the 64 Canon: *Non oportet Laicum publicè disputare, vel docere; sed Ordini à Domino tradito cedere, & aures iis, qui docendi gratiam acceperint, apperire, & Divina ab iis doceri.* That it doth not behove a Laick to dispute publicly, or to teach; but to give place to the Order deliver'd from the Lord; and to open the Ear to those who have received the Grace of Teaching, and to be taught by them Divine things. So also in the Nicene Council of three hundred and eighteen Bishops, under Constantine, in the fourth Canon concerning the Ordination of a Bishop. And in the Apostolical Canons; in the first and second Canons concerning the Ordination of the other degrees of Ecclesiasticks: and the like in all other Ecclesiastical Constitutions, generally down all along the Ages of the Church. Let the Apostolical Constitutions of *Clement Romanus* be looked into: And the several Titles in the *Sextum, Clementines*, and other parts of the Canon Law, concerning the Sentence of Excommunication, and the other Censures of the Church, and the pronouncing of them. And these more general Powers and Rights are those, which according to the Nature of them, and the vote of all these things, do only properly and externally belong to the Ecclesiasticks as such; as the like also they have in all particulars whatsoever (whether the Church be Incorporated into the State, or not Incorporated into the State in any Community) that are necessary, as to them, for the support and preservation of their Ecclesiastical Society. And this is a grand Right both Natural and Divine belonging ordinarily to them as Governours in such a Society: and he that shall deny them such Power, must say, that God hath denyed them the means to the end; that he hath committed the preservation and support of the Church to them as Governours and Ministers of it, and yet that he hath denied the power of doing those things which are necessary for such the preservation of it.

But yet by these means necessarily to be granted to them, we are to be suppos'd to mean spiritual and lawful means: And in no case particularly that of rising in Armes against the present Lawful Magistrate: that would be with *Peter* to take a Sword in an unlawful way (sayes *Triglandius*) and that is not committed to them; and that is against Humane Lawes, and Divine, and the Law of Nature, &c. sayes *Grotius*: Although elsewhere he permit it, even to any single person, in case of extream danger, to Rise, as we have said heretofore.

Ll

X. Erasmus

See also Eph. 4. 7, 8, 11, 12, 13. And 2 Cor. 5. 20. 1 Cor. 4. 1, 2, 3, 4. Heb. 13. 17. Mark. 16. 15, 16. Luk. 24. 47, 48. See also Mar. 16. 19. Mat. 18. 18. Luk. 10. 21, 16, &c. See also the 1 Tim. 5. 22. 1 Tim. 4. 14. Tit. 1. 5, 6, &c. Vid. Can. 54. apud Cavan- ram, in Summ. Concilior. Vid. Can. 4. ibid. Vid. Canon. 4. post. Can. 1. 2.

Vid. Clement. Roman. Apo- stolic. Consti- tut. lib. 2. cap. 20, 30, 31, &c. lib. 3. cap. 10, 11, &c.

De potestat. Civil. & Ec- clesiast. cap. 3. ad fin. Vid. De Impo- riosum. pot. cap. 3. §. 5. 14. Su- pra lib. 1. cap. 3. §. 29.

Erasmus Answered.
In Theſibus. vid.
Theſ. 74. et
alibi.

X. *Erasmus* hath here of late ſtarted a Queſtion, by his denial of any need of Church Cenfures their being executed by Clergy-men, under a Chriſtian Magiſtrate. But he is to be answered with their being a purely Spiritual puniſhment, and inflicted in a Spiritual way, and for Spiritual ends; and therefore that, in the Nature and Quality of the thing, they do properly belong to Spiritual Perſons, to uſe as a means for the ſupport of their Spiritual Society, and according to the appointment of Chriſt. And this is to be obſerved farther; That, notwithstanding his ſeemingly favourable advice given to Magiſtrates in this particular, yet no Magiſtrate ſince the time of his Writing hath followed it. And it will be found true by any one that conſiders thoroughly of theſe things (and as I have partly hinted already,) That he that ſhall ſo farre adventure to confound Divine Affairs with Humane, as to put the buſineſs proper to the Function of the Miniſtry into the hands of the Laity, to be managed Authoritatively by them, ſhall do that which ſhall tend to the taking away the ſtanding Ordinance of the very Miniſterial Function it ſelf, and even of all Religion alſo whatſoever in the end: eſpecially, if he ſhall make ſuch confuſion in this particular of inflicting Penalties; which, according to the different kinds of Penalties here pointed at, is one Right neceſſarily belonging to the ſupport of any Government or Society whatſoever, either Eccleſiaſtical or Civil.

The Character of the Eccleſiaſtical perſon's Function is Indelible.

XI. Laſt of all, on the part of the Eccleſiaſtical Perſons; the Character alſo of their Offices, impreſſ'd upon them in their firſt Ordination to them, is indelible, as to any Humane Power. It is in the Power of man to ſuſpend, degrade, or depoſe them from the actual execution and diſcharge of their ſeveral Offices, as all Lawes and Practices of the World (except that of the *Papal* only) have conſtantly affirmed: but God only at firſt inveſted them with the Habitual Power belonging to their ſeveral Offices, and he only can take them away from them again. Theſe things then being thus ſtated, and deſcrib'd on the Eccleſiaſtical Perſons parts, I come next to the part of the Civil Magiſtrate, and to the Rights and Powers belonging to him as ſuch, and which are here concern'd alſo.

The neceſſity of ſome ſupreme amongſt men.

XII. On the part of the Civil Magiſtrate then; firſt of all, this is certain, that both in relation to all Humane Affairs more generally, and in every Eccleſiaſtical Uniformity more particularly, there muſt of neceſſity be ſome ſupreme amongſt men in every Society. For, what from Nature the Philoſophers ſay notionally, and in the general, That, *Ordo nan datur niſi cum relatione ad aliquid primum*; there is no order of things, but with relation to ſome firſt: The ſame alſo, from Art, ſay the Politicians practically, and in particular concerning Humane Society; that the order of Perſons to be obſerved in every Society of men, muſt neceſſarily terminate in ſome Supreme in that Society.

Averro's Metaph. 5. Tom. 6.

XIII. He

XIII. He then is Supreme in every Society, who hath the Supreme Jurisdiction over all others in that Society. And Jurisdiction is defin'd by the Civilians to be, *Potestatem Juris dicendi, A power of giving Law to others.*

The Supreme person defin'd, as to his Political Qualification.

XIV. The Person, who hath this supreme power of Jurisdiction over all, is the Civil Magistrate, but now mention'd. And such Power he hath as his Right belonging to him, as is above distinguish'd. I have above reject'd that part of the distinction of such Power it's being taken only Actually, and for the exercise and Administration of it. And I here affirm it concerning the Civil Magistrate, and it's being a habit and faculty fundamentally belonging to him. And as to the kind of the Magistrate possessing it, it is meant also, not of a Feudatory, or Prince under a Prince in any Society. Such as the *Prytanes of Athens* (sayes *Pausanias*) were under the Senate: And the Kings of (a) *Lacedemon* in the time of the Senate set up by *Lycurgus*: And that Senate also it self afterwards in the time of the *Ephori*: Such also as the Roman (b) *Consuls* were that succeeded the Kings: And the Provincial (b) *Prætors* in the time of the Emperours: And the Princes of *Germany* at this day; who, by the (c) Orders of the *Imperial Chamber*, are capitally questionable by the Emperour in the Chamber of *Spire*. But it is meant of a Sovereine Prince, such as the first (d) Kings were amongst the Romans, and the (d) Emperours afterwards; upon whom, by the (e) *Lex Regia* particularly, all the Sovereignty was devolved. And such as the several Kings of *England, Sweden, Spain, Denmarke*, and of other the like Territories in *Europe* at this day are, and by their several Lawyers of their Countries are affirm'd and acknowledged to be. And there are they who are next to God in Humane Societies (as was said more generally above) and (f) above the reach of all Men, and Lawes, so far forth as may tend to the holding the Right of their Sovereignty, as was hinted (g) above also. *Princeps legibus solutus est*, sayes (h) *Ulpian*; That the Prince is at liberty from the Lawes. And, *Cum nihil in Terris majus aut excelsum Majestate Regum, post Deum immortalem cogitari possit*, sayes (i) *Bodine*; Since nothing can be thought of, which is greater or higher in the Earth, then the Majesty of Kings, next to God Immortal. And the consent of all Nations generally hath establish'd this Right upon Sovereine Princes. So sayes (k) *Damianus* of the Emperour *Preister*, or *Precious John*; and of his Superiority over the Patriarch of his Country. The like (l) *Chytraus*, (l) *Leunclavius*, (l) *Georgieviz*, and others of the *Grand-Senior* in respect to the chief *Mustis* at *Constantinople*. The like also (m) *Fletcher* the English-man of the Emperour of *Mus-*

Vid. F. Siqui Jus dicenti non obtemperaverit. L. unica. ¶ Is videtur. & alibi.

And as to his person; and that is the Civil Magistrate.

Supra lib. 1. cap. 1. §. 11. Supra lib. 1. Cap. 1. §. 10. And Lib. 1. cap. 3. §. 9. and §. 10, 11, 12, &c. Lib. 1.

(a) *Vid. Plur. in Lycurgo.*

(b) *Vid. Tit. Livium. Dec.*

1. lib. 1. 2. &c. Et D. De Orig. Jur. Civil. &c. L. necessarium.

¶ *Ex his deinde Regibus.*

Et ¶ *Capta deinde forania.*

Et *Rosin Antiqu. Rom. l. 7. c. 9.*

(c) Et *Vide Ordines Camer.*

Imper. p. 2. Tit. 34. 35. & a. libi.

(d) *Vid. T. Liv. Dec. 1.*

lib. 1. D. eodem.

¶ *Quod ad magistratus attinet &c.*

(e) *Vid. D. De Constitutionibus Principum.*

l. 1. ¶ *1 & in.*

statu. De Jur. Naturali. Gent. & Civili.

(f) *L. 1. Cap. 3.*

§. 17. & dem.

ceps. (g) *Lib. 1. Cap. 3. §. 17.* (h) *D. De legibus. & Senat. Consultis, &c. L. Princeps* (i) *De Repub. l. cap. 10. in princip.* (k) *De Aethiop. Morib. Et in Confess. fidei Zaga Zabo prope fin.* (l) *De præfenti Turcici Imperii Statu, & Relig. Græcor. & alibi. Pandect. Hist. Turc. Gradus Legum, &c. 34. & alibi. De Sacerdotibus eorum. De Obedientia quam Turcæ suo Regi præstari Coguntur, &c.* (m) In his History of Russia. Chap. 21. Of their Ecclesiastical State, &c.

(n) De Venet. Repub. lib. 3. circa. med.
 (o) See Chap. 3. &c.
 (p) See p. 1, 2. &c.
 (q) Ecclesie Anglicanae Politic. Tab. 1. A.
 (r) See An. 35. Hen. 8. An. 11. Edw. 6. An. 1. Eliz. &c.

covy in respect to his Patriarch, late of *Mosco*, but before of *Constantinople*, or *Sio*, as he was stiled. And (n) *Contarecius* of the Council of *Teun* at *Venice*, in respect to their Clergy. And so others concerning the Supreme Magistrates of other Countries: Even the (o) *Corpus disciplina*, of the States of *Holland*: and (p) the Lawes and Statutes of *Geneva*, of the Magistracy of that Territory. And finally, so sayes Dr. (q) *Cosin*, and the (r) Statute Law of *England* concerning the Supremacy of the most Potent Kings of *England*. Last of all, this hath been acknowledged by all Ages and Societies generally, excepting only by the great Bishop and Prince of *Rome*, and his Doctors Chairs; and those others of the Christian parts of *Europe* dissenting from him, and called Reformed, whosoever of them they have been, that have set the Ecclesiastical Synods and Consistories above the Temporal Authority, and so in fact have depressed it, although in word they have professed the contrary.

This Supreme Power is committed to him by God as Creator, and Conserver of all things; and what is the extent of such power.
 Supra lib. 1. cap. 5. §. 7. Et deinceps.

XV. This Supreme Power of Jurisdiction over all is committed to the Supreme Magistrate by God as Creator and Conserver of all things: and that also to that very end, that by the due exercise and imployment of such his Power he may conserve all those things in their welfare which are committed to his Charge: and the things committed to his charge in his way and capacity, and more particularly in an Ecclesiastical Uniformity, are, Religion, and Government, and the consistency of both these with each other, as is above said assertorily, and here explicatorily. So that he is appointed to be both *Pater Patriæ*, the father of the Country, in respect to Civil things; And *Custos utriusque Tabulæ*, The keeper of both *Moses* his Tables, in respect to things Divine.

For the Discharge of his trust in the exercise of such power, there is a necessity of his having an Indirect power in Spirituals, as a Branch of such Supreme Power conceded to him; and the extent of such indirect power.
 hic Supra. §. 9.

XVI. For the discharge of this trust reposed in him by God, there is a necessity of his having an Indirect Power in Spirituals, as a Branch of his Supreme Power of Jurisdiction over all conceded to him. And this is a great Right belonging to him, and such as is principally necessary for the discharge of his Trust mention'd in every Ecclesiastical Uniformity: And this is usually called his external Power; in contradistinction to the Ecclesiastical Persons Internal power (but now mentioned also) in the Church and Church affairs: And the extent of it is to the doing of all things

1. Negatively; which are not the matters properly belonging to the Ecclesiastical Persons function. And secondly positively; which are necessary for the discharge of the Trust reposed in the Civil Magistrate. And if any man have a mind to take a farther view of the particulars included in this General, let him look into the Canon Law. For, *Mutatis mutandis*, in whatsoever matters the Pope there claimes an indirect Power in Temporals for the support of his Pontifical Greatness, in matters answerable, on the Magistrates part, and according to his Occasions doth it belong justly

justly to him to have an Indirect Power in Spirituals in any Society.

XVII. And this Indirect Power in Spirituals is a Right belonging to the Supreme Magistrate in the General, both by the Lawes Natural, and Divine, and by that of Nations also: and hath in all Ages, and by all particular Lawes of Countries, and Practises of men, been ever granted to him; excepting where the Ecclesiastical Person as such hath unjustly usurped the Authority of the Civil Magistrate, and constituted himself as Supreme amongst men, as in the Case of *Rome*.

That this indirect power is his Right, both by the Law of Nature, and Nations, and the Divine Law.

XVIII. That it belongs to the Civil Magistrate by the Law Natural, it is evident from hence; because he that shall deny such a Power to him, must either deny every part of that which we have mentioned, yea, even the Civil part of the things also, to be his Charge, and that with an unheard of falsity, or else must deny him the means of preserving the welfare of his Charge (*i.e.*) must deny him the means necessary to the end, and that with a more then tolerable absurdity. For to what purpose shall God commit to the Magistrates Charge the welfare of Religion, and of the present Lawful Government, and of the consistency of Religion with the present lawful Government, both Ecclesiastical and Civil, (as he hath done) if he shall not in the mean time grant him the means necessary for the attaining this end, and which he himself hath in the Nature of things appointed to be used for the attaining to it? Truly this cannot be rationally answer'd: And that such an indirect Power in Spirituals, as we have mentioned, is a means necessary to the attaining this end, it will be evident to any one who shall consider the Infirmities and Corruptions of men, and by how many thousand pretences and occasions taken from matters spiritual both all Divine and Humane Affairs in any Society may be disturb'd, and utterly confounded. And if any other then besides the Civil Magistrate shall have the Possession of this Indirect Power in Spirituals, and not the Civil Magistrate himself for his occasions, how shall he be capacitated to look to his charge mentioned? *That would be a most imperfect Government (sayth Padre Paulo, in this business) which in it self should not have a means to provide for things necessary, but should stay for a Remedy from him that should give it according to his proper interest (as (the Infirmities and Corruptions of men being considered) will be suppos'd concerning others in this matter) and not according to the publick necessity.* And, saith he farther, *the opportunity of having power to work after one's own Phansy, may cause a Saint to over-run his courses; and when a Potentate hath not the favour of him that commands in Ecclesiastical Causes, Religion is made a Pretext to oppress him.* And saith he also elsewhere, *Nature in all her final drifts giveth such faculties and Powers as are necessary for the attaining the same.*

First, by the Law Natural.

History of the Inquisition. Chap. 29.

Ibid.

In his considerations upon the censure of Pope Paul the fifth against the Commonwealth of Venice, in 4to, pag. 31.

shall God set down an end and Commandement which cannot be executed, without the favour of men? this is too great an inconvenience. And such then must be the Case of Princes in this business, in respect to the preservation of the welfare of their charge, yea, even of that very part of it which consists in Affairs purely Civil, and so belongs primarily and most properly to them, and to be looked after by them in the world (or else nothing at all doth so) if such Power as we have mention'd be not conceded; and whether it may be either any subordinate Magistrate, or any Ecclesiastical Person, or any other person whatsoever who shall usurp it from him?

Secondly, by
the Divine
Law.

XIX. That this indirect power in spirituals is conceded to the Civil Magistrate also by the Divine Natural Law, it is as evident from the Concession of it by God to the Patriarchs and others of Old; and to Moses, and all the succeeding Kings of Israel afterwards, throughout all the several Ages of the Old Testament. And in the new we are bid to pray for Kings and all that are in Authority, that we may lead a peaceable and quiet life in all Godliness and Honesty, and the like need less to be recited.

1 Tim. 2. 1, 2.

Thirdly, and
lastly, by the
Law of Na-
tions also.

XX. In the third and last place then, let us see what the Law of Nations hath been in this particular; and that in both the acceptations of it, both as that Law is taken properly, and improperly.

1. Properly. And as to that it hath been a general compact of man-kind ever to treat with the Sovereign Princes of Countries about the state of their Religion. So in the Convocating of the Divines of the several Countries to the Oecumenical Councils, in the European Parts of Christendom, yea even in the times and places of the greatest Papal usurpation; and the like.

2. Improperly. And as to that let us view the Lawes, and practises of Countries within themselves, and in their separate Capacities in respect to others.

1. It is to this purpose, and for the retaining with more Solemnity the investiture of this Power in Princes, amongst other respects, that the same person hath been so frequently both King and Priest in so many Ages, and Societies in the World. Let us look first amongst the Hebrewes. I have recited formerly the Tradition amongst them, of the first heads of Families, their being both Kings and Priests to those that were subject to them. And afterwards when they grew into a settled community under Moses, Moses their first Captain that brought them out of Egypt was both King and Priest, *Psal. 99. 6.* And so also it was usual with them afterwards, for the same person to be both High-priest and chief Magistrate. And here is again another Error and non-concluding argument of *Gratius* concerning these things; affirming that, after Moses his time, the Coalescence of the chief Priesthood and Supreme Magistracy in one Person in Israel was forbidden by a Positive Law of God: And that because the Priest-
hood

To Imper. cap.
2. 95.

hood was restrained only to the Sons of *Aaron*; and so a stranger might not come nigh it. But what of that? although a stranger might not assume the Priesthood, yet doth this argue, that a Priest might not assume the chief Magistracy? surely no. And therefore the instance of *Ozias* his being prohibited to meddle with the mat-^{2 Chron. 26.} ters proper to the Priestly Function given by him, is not pertinent.^{17.} And what thought he of *Eli*, and *Samuel* (See 1 *Sam.* 2. 22, 27, 28. ^{ibid.} and *Cap.* 4. 18. and 1 *Sam.* 7. 15, &c.) and others afterwards? were not they both Chief Magistrates and Priests at the same time in *Israel*? Let *Josephus* be consulted concerning these things; and he sayes, that it was from *Eli's* Throne of Majesty that he fell down and brake his neck, when he died. And he quotes also *Samuels* speech, which he made to the *Israelites* as their General, at his expedition against the *Philistines*, and his constituting Lawes and Courts amongst them afterwards as their Supreme Magistrate. Neither doth *Skickardus*, nor others, who write of the things which did incapacitate any man from being King of *Israel*, mention any such thing as the Priesthood amongst them. And if the Testimony of Heathen Historie may be any thing in this business, then, *Post Mosen etiam filius ejus Arvas, Sacerdos Sacris Egyptiis, mox Rex creatur*, sayes the Epitomizer of *Trogus*; That after *Moses* also his Sons *Arvas*, a Priest in the Egyptian Rites, was Created King. *Semperque exinde hic mos apud Judeos fuit, ut eosdem reges & Sacerdotes haberent; quorum iustitia Religione permixta incredibile quantum coaluere.* And from thenceforth it was alwayes a Custome amongst the *Jewes* to have the same Persons both Kings and Priests; whose Justice being mix'd with Religion, it is incredible how well they did together. So that thus, not only *de facto*, but *de jure*, it was in *Israel*. Let us pass then from the *Jewes* to the Heathens in this business: As to whom first, *Divine Plato* deserves to be heard. *Apud Egyptos* (sayes he) *non licet Regem absque Sacerdotio imperare,* ^{De Regno cir.} &c. That amongst the *Egyptians* it was not Lawful for any one to ^{63. Mod.} Reigne as King; unless he were Priest also. Nay, if any of another Nation did by chance usurpe the Kingdome by force, he was constrained, after the usurpation of the kingdome, to be initiated in holy Orders; that so at length he might be both King and Priest. Besides (saith he farther) Thou shalt find, that in most of the Cities of the *Greeks*, the cheif Sacrifices of the Divine Worship are committed to the Magistrate to be offer'd up by him. And also amongst you (sayes he to his *Hosper* in the Dialogue) we may especially take notice of that; for they say there, that to the King being Created by *Lot*, those of the Ancient Sacrifices which are most Solemne and accustomed to the Country are committed to be offer'd: thus *Plato*. And the like sayes *Herodotus*, and *Diodorus* of other Ancient Nations; and *Virgil* of *Anius*.

Rex Anius, Rex idem Hominum, Phœbique Sacerdos:

King Anius, the same both King of men, and Priest of Apollo.

In Num.

Decad. 1. lib. 1.

Decad. 1. lib. 2.

Lib. 54.

In Octavio,

Señ. 31.

In Julio, Señ.

13.

Anastas. Ger-

mon. De Sacra-

Imunit. lib. 1.

cap. 9. n. 3.

Hist. Eccles. lib.

8. cap. 29.

Martyrologie

22. August.

v. Timothei.

Vid. Bald. Conf.

353 lib. 1. Pa-

normitan. Conf.

82. n. 4. lib. 1.

et Conf. 61.

lib. 1.

Epist. 8.

Polit. lib. 6.

cap. 8. n. 41.

And amongst the Romans *Plutarch* recites it of *Numa*, that he first erected the Colledge Pontifical; and that he himself was the first Pontifex that ever was. And *Livie* sayes of him, *Tum Sacerdotibus creandis animum adjecit, quanquam ipse plurima Sacra obibat, ea maxime quæ nunc ad Dialectem Flaminem pertinent*: That then he applied his mind to the Creation of Priests; although he himself did performe the most of Sacred Rites, especially those which do now belong to the *Flamen Dialis* or Priest of Jupiter. And he sayes elsewhere also of the following Kings; *Quia quedam publica sacra per ipsos Reges factata erant; because certain publick holy Rites were perform'd by the Kings themselves*. And at the coming in of the Emperours, *Dio-Cassius*, and *Suetonius* recite it of *Augustus*, that he was consecrated High-priest. And *Suetonius* of *Julius*, that, before *Augustus* his time, *Pontificatum Maximum* petiit, He sought the Office of Chief-Priest. And of the succeeding Emperours it is said also; that from *Augustus* to *Gratianus*, all would be consecrated and called *Pontifices Maximi*, as well as *Imperatores*; High-Priests, as well as Emperors. And *Maximinus* in *Eusebius* stiles himself *Pontifex Maximus*, amongst the Rest of his Titles: and many more Records there are of these things. Last of all, Let us descend to the Christian Church. And of the Christian Emperors, sayes *Baronius*, That although for the Heathen Roman Religions sake they took not upon them the Name of *Pontifices Maximi*, as the Heathen Roman Emperors did; yet they suffered themselves to be inscribed by that Name in their Coins, and to be called so in their Panegyrics, and the like Elogies made in their praise. And at this day, both of the Princes of *Germany* and others in Christendome, there are several who are both Magistrates and Priests in their Dominions. And what the Great Bishop of *Rome* is, it is eminently known; of whom *Baldus*, *Panormitanus* and others his Canonists do Affirme; That he is Supreme Lord in his Temporal Dominions: and that he hath a Right of Creating Nobles, and of doing all things which Kings do in their Kingdomes: and whether this be likely to accrue to him by Succession from *St. Peter*, and as Universal Pastor, we leave it to others to Open. Finally, Every Prince, who-soever he be, if he intend to hold his Dominions, must of necessity and in many things be Supreme Priest in effect, although he be not so by Actual Consecration.

2. The expresse Lawes of Countreies have ever conceded the same indirect Power in Spirituall to Princes. Such would *Plato* in his Epistles have granted to them; And up and down in many particulars in his Books of Lawes. And *Aristotle* distinguisheth his

Cheif

Chief Magistrate into the Civil and the Divine Magistrate. And he denominates him the Divine from hence, because of the Inspection he is to have over the matters of Religion, within his Territories. By the Judicial Law of *Moses*, the Kings of *Israel* had the same Power: God gave to *Moses* both the Judicial, Ceremonial, and Moral Law; and appointed him to be Supreme Conserver of them all. And we gave instances of the like concerning the succeeding Chief Governours of *Israel*, just now, in our mention made of the Law of *Israel* under the Notion of a Divine Law. And *Schickardus* sayes, that the Sanhedrim, or Kings Great Council in *Israel*, *Cognoscebat præcipue tantum de rebus magnis; Religionem & Rempublicam attinentibus, v. g. de controversiis legalibus, anno Intercalari, Pseudoprophetis, Apostatis, Excommunicandis, &c.* did take Cognizance chiefly only of great matters, belonging to Religion, and the common weal; As for Example, Of Controversies concerning the Law, of the Sabbatical year, Of false Prophets, Apostates; of Persons to be excommunicated, and cut off from *Israel*, and the like. And this we say it was necessary for them also to do, as well for the Conservation of the Civil State, as of Gods True Religion in *Israel*. The Lawes of other Nations were ever the same. Let the lives of *Thesus*, and *Solon*, and other Greeks be look'd upon in *Plutarch*. Let the Histories of *Herodotus*, *Thucydides*, *Suidas*, and others be consulted, both concerning the *Assyrian*, *Persian*, and *Greek* Monarchies, and the Lawes and Customes of the severall Particular Countries made mention of by them. And amongst the Romans, sayes *Dio*, That *Romulus* did establish it by a Law (before *Numa's* time, just now mentioned) That the Senators amongst other things, should be appointed to take care of the matters of Religion. And *Orosius* recites the remarkable passage of the Senates refusing (in *Tiberius* his time, and long afterwards) Christ to be inrolled amongst their Gods; because it had not first, and according to custome, been brought before them to determine whether his sort of Religion should be permitted in the Empire: And therefore by an Edict they forthwith banish'd the Christians out of the City. The Roman Civil Law speaks in the very same Language, and that throughout the whole body of it; both in the *Old Pandects*, and the later *Code* and *Novels* of *Justinian*. In the very first Law of the *Old Pandects*, or *digests*, *Jus Publicum*, sayes *Ulpian*, in *Sacris, Sacerdotibus, & Magistratibus, consistit; that the Publick Law and Rights did Consist in Holy things, in Priests, and Magistrates*. And the like afterwards *Martianus*, and others. Finally, let but the Titles in the *digests*, *De Feriis & Dilationibus, &c.* And *De mortuo inferendo, & Sepulchro edificando*: and where the Degrees prohibited in Marriage are Treated of; and the like Lawes and Titles in other places concerning many particulars belonging to Divine affairs, be consulted.

In Jure Regio Hebraeor. cap. Theor. 2. prope prin.

Lib. 2.

Lib. 7. cap. 2.

F. De Justit. & Jur. l. 1. Hujus Studii.

F. De legibus & Senatus Consultis. L. Nam. & Demosthenes, ad finem.

D. De ritu nuptiarum, Et De Donationibus inter virum & uxorem, &c.

Orat. Pro Do-
mo sua ad Pon-
tifices.
Philip. 1.
Agror. 2.

Anonymi Offi-
cium Magistra-
tus Christiani,
Cyc. Hagæ
Comitis. Anno
MDC LXII.

De Æthiopum
morib. In Li-
teris imperator:
ad Pontif. Rom.
passim.

Ibid. in Confess.
fidei Zaga Za-
bo, circa med.
q. alibi. Po-
loniæ lib. 2.
prope med. &
alibi.

ted. Let but the particular Laws made by the several Tribunes mention'd by *Cicero*, and others, be viewed; The *Lex Papiria*; The *Lex Roscia*; The *Lex Domitia*, and the like. And, as to the *Code* and *Novels*, if there be one Law concerning Divine Affairs in the *Digests*, every one knowes that there be an hundred to that one in the others: The *Code* and *Novels* being taken up, a man may say, almost wholly in settling the Affairs of the Christian Church under the Emperours. So that thus then it hath been heretofore, as to the more celebrated Records of Humane Affairs. And as to the times since in the Christian Church, let but the one *Anonymous* Author, in his Collections out of the Centuriators of *Magdeburg*, and other Ecclesiastical Histories, and Writers, be consulted. And if we look into the present Lawes of Countries in the World, either in *Europe*, or other parts; both where it is Christian, and where it is not; there is an Universal Concession of this Indirect Power in Spirituals to Princes by the Lawes and Tenour of the Lawes of all their Countries. So it is the Imperial Stile of *Precious John* in *Africa*, to call himself amongst the rest of his Titles, *Columna fidei*, *The Pillar of the Faith*, saith *Damianus*. And the Author mentions the Ancient Institutions of the Queen of *Sheba*, who journied to *Solomon*; that Women also should be circumcised, and the like. The like sayes *Gromerus* concerning the King of *Poland*, in *Europe*, his nominating the Bishops of his Dominions, and commending them to the Pope to be approv'd of by him, and so in other such particulars also. Finally, let the Histories of *Russia*; let the Lawes of *France*; let the Annals and Records of the *Grand Seniors* affairs; let the Low-Countries *Corpus Discipline*; and the very Lawes and Statutes of *Geneva*, or any other the Civil Lawes of particular Countries and Relations of their publick Affairs be consulted; and see if they do not all universally concede this power in Spirituals to the Magistrate, excepting only where the Churchman in his own name as such holds the Supremacy; as in the profound Polity of the Magnificent Bishop of *Rome*, not to be paralleled by any Records of the former times in the World. And indeed it is no wonder if all Lawes generally do thus concede this Power, since as we have said concerning it, and that also in the Latitude of it mention'd, that no Prince can possibly subsist without it. In the interim, there have been some in all Ages who would undertake to limit Princes to the not meddling in such or such Spirituals, apparently necessary for them to meddle in. But if men in the capacity of Subjects, will undertake to prescribe to Princes in such things; it is not the Princes any longer, but they that must govern the World.

3. And last of all we come to instance in the Practices of men (*i.e.*) in those things which we here call so as contradistinct to the other matters of Fact already mention'd. And those are such Practices

ces in this matter, as whereby Princes have plainly evidenced, that they must hold this Power in their hands in matters requisite, or else quit their Sovereignty and Dominion over their Countries. And for this I shall look no further then to those Princes in *Europe*, which hold Communion with the Church of *Rome*: who all of them, although they suffer the noise that the Pope makes of his Supremacy over them; yet when it comes to Trial, will not by any means grant it him in their Practice. There have been two famous, and notable examples in this matter, that have appeared of late dayes. The first is, that of the State of *Venice* in the case of it's interdiction by Pope *Paul the Fifth*; in which case all the Princes in their several Countries; and their Embassadors, both at *Venice* and in the Court of *Rome* it self, (those who were Residentiaries there) declaimed against the Pope. At *Venice*, sayes *Paulus Venetus*, while the distance was yet growing betwixt his Holiness and the State, were the imperial *French* and *Spanish* Embassadors; and they openly voted against the Popes usurpations in the Church matters, lay'd claim to by him. In the Court of *Rome*; when the Monitory was there afterwards published against the State; the Residentiaries then present, sayes he also, were, the *Marquess of Castile* from his Imperial Majesty; *Alincurius*, from the most Christian King; The *Count of Verua*, from the Duke of *Savoy*; and all these endeavoured with great earnestness, and even to the growing of hot words betwixt them, with the Pope, for either the quite taking away, or else the Prorogation of the Monitory: And they held Correspondence, after the Publication of it, by frequent visits and conferences with the Embassadors of the State. The Princes themselves also, who in their several Countries disgusted it, and declar'd against it, were, the King of *Poland*; who, when the *Popes Nuncio* solicited for the Publication of the Monitory in his Dominions, gave him an abrupt repulse. After him the *Emperour*; who, both in his own Person, and by his Ministers, sided with the *Venetian* State, and advised the *Nuncio*, that some temper might be found out for the business: and the like. In the next place, the *Catholick King*, and his Court; so soon as ever they knew the matter, were presently sensible that that was a doing which equally concern'd all Princes, &c. In *France*, that King also amongst other things, advised the *Nuncio* there to a Composure. What the sense of *England*, and *Holland*, and such other Protestant Princes was, is to be presum'd, and not here pertinent to be recited. But the like entertainment that this affair had with these Catholick Princes mention'd, had it also with all others. With the *Great Duke of Florence*; The *Vice-Roy of Naples*; the *Count of Millaine*; the *Dukes of Mantua and Mutina*; and the like. So that thus these Princes and their Embassadors would by no means endure any such thing as the Invasion of this Indirect Power mention'd in Spirituals. The other

Historia Interdicti Venet. lib. 1. propositum.

Ibid. lib. 2. in principio.

Ibid. lib. 2. paulo post principio.

See the History of the Council of Trent. *Passim.*

See the History of the Inquisition. *Passim.*

See King James his Defence of the Right of Kings. *Passim.* See the History of the Inquisition. cap. 28. and cap. 6. *Ibid.* In the Preface.

Ibid. cap. 6.

great instance in this business were the Transactions of the late Council of *Trent*: Where also the Embassadors of Princes would not suffer any thing derogatory from the Lawes of their Countries, and their severall Masters Supreme Authorities (which they (really) held about Sacred things) to be passed into Canons. And the Prelates and Divines also of those Countries (most of them) complied no better with his Holiness. Let the Actions of *Five-Churches*, and others, be viewed. These two comprehensive instances then being given; let us pass from hence a little further to the more particular affairs of Princes. Let the Common-wealth of *Venice*, in the matter of the Inquisition, be considered of. It hath lay'd severall Laws, and Restrictions upon that Office, and the Jurisdictions belonging to it within their Territories, to this purpose, and notwithstanding the Pope's thundering against them, as is to be seen in the Reasons of their so doing set forth by the Impartial hand of Father *Paul* in his *History of the Inquisition*, but now and sometimes heretofore mention'd. The Kings of *France*, the *Emperours*, and others, have oftentimes in like manner maintained this their power against the Pope. 'Tis that the *Sorbon* so often now adays threaten him with determining on the part of their King. And the further instances of these things are to be seen in the Collections of Records made concerning them by the Royal hand of the late wise King *James* of *England*. The very Inquisition of *Spain* holds the like course: It hath its own Lawes and proper Customs by which it is Govern'd; Neither is it altered, or receiveth new Orders from *Rome*; and there is an account given of all things treated of within the State to the King; and advice sent no whither else; and the King alwayes nameth an Inquisitor General throughout all his Kingdomes, to have inspection over that office, to the Pope; and his Holiness doth confirm him; and he being confirm'd nameth the particular inquisitors in every place, which nevertheless cannot enter into their Charge, without the Kings Approbation. Thus then both the *most Christian*, and the *most Catholick* King; and be they who they will, and let the Pope call them by what names he will, and be they in never so strict a League and Amity with, and professed subjection to the Church of *Rome*; yet still I say thus all of them deal in respect to this indirect power in Spirituall. As hath been already said, The shadow of it may be conniv'd at in another, but the reality and substance of it hath been of necessity alwayes retained in the Princes themselves. Lastly, The Inquisitors of *Italy* it self do particularly send word to *Rome* by every Post, what is done within their Office: And we must conclude, that if it were not so, neither that part of his Holiness his Person, which is the Temporal Prince; nor that part of it neither, which is the Roman Pontifex, could be able long in either of their Capacities to support it self against it's own inquisitors. And it

it is no wonder then that other Temporal Princes, whose Dominions are distinct from those of the Sea of Rome, and the Lands of the Church, have not admitted of the Inquisition generally; but by compact in the Original and first admission of it. Thus then; *si Magistratui* (sayes *Vedelius*) *eripiatur potestas Ecclesiastica* (as he calls it) *non integer amplius Magistratus, sed ex parte tantum erit:* That if this indirect power in Spirituals be taken away from the Supreme Magistrate, he shall be no more an whole, but only half a Magistrate in his Society. And what Constantine told his Bishops, will be found everlastingly True; *Τὸν δὲ αὐτὸν τὸν Ἐκκλησιαστικόν, &c.* That they were constituted Overseers or Bishops by God in their more particular kind and capacity within the Church; and he in his more general way and kind also, as he stood in his capacity more without the Church. And this is that grand Branch of the Magistrates Supreme Power over all, here to be asserted, and which is one main Pillar of this Discourse.

De Episcopatu constantini Magni. In præfat.

Apud Euseb. lib. 4. De vitâ Const. ant. cap. 24.

XXX. The Question, or Querie that is here made then by the Roman Canonists, and others, (*viz.*) *Why the Ecclesiastical Person; for the Churches sake committed more particularly and immediately to him; should not have Supremacy over all, and the contrary indirect power in Temporals as a Branch of it, and so consequently belonging to him, as well as the Temporal Magistrate the like Supremacy, and this consequent indirect power in Spirituals, which we have mentioned?* will be, after these previous considerations laid down, the more plausibly and easily answer'd by us. In the interim, this Supreme Jurisdiction over all in Church-men is the thing driven at by the Doctrines of two sorts of Persons in the Christian Church, (*viz.*) The Chair and Conclave of Rome; and aspiring Consistories and Synods of Presbytery, as they are stated and desired by some: And by both these, if not professedly, yet at least in the issue and effect of things, as hath been said already. But we come to give only three weighty reasons for the Civil Magistrates Supremacy. And those are: 1. Because the natural intent of the Civil Magistrates office imports it; Which primarily is the conservation of Humane Society (specifically taken; and as contradistinct to Church Society) and the governing men in their primary capacity of men. But Humane Society is the foundation of all Church Society; and without which that Church Society cannot subsist. And the Ecclesiastical Person governs men only in their secondary and additional Capacity of Church-members, or Christians, where the Christian Religion is professed. And therefore the Supremacy, from the nature of things, inevitably and necessarily belongs to him, who governs men in their Supreme and first Capacity. *Non enim Respublica est in Ecclesia, sed Ecclesia in Respublica*, sayes *Optatus Milevitanus*; *The State is not in the Church, but the Church in the State.* And *Aristotle*; *Atqui ridiculum fuerit & absurdum putare ut ii Magistratu careant,*

The Question answer'd, why the Ecclesiastical person as such should not have Supremacy over all?

Contra pag. lib. 3.

Polet. lib. 3. cap. 1. n. 3.

quisint Autoritate summa præditi; That it would be a ridiculous thing and absurd, to think that they should want a Magistracy, who are endued with the Supreme Authority. And elsewhere; Maximus autem ubique Magistratus æstimatur, civitatis administratione, quæ nihil aliud est quam ipsa Respublica; That the Magistrate was accounted every where to be the uppermost in the Administration of the Citie, which is nothing else but the Common-weal. And so all that proceed by the light of Nature. For the Superiority of the Ecclesiastick, neither in all Humane Affairs, nor consequently in an Ecclesiastical Uniformity, was never known, nor heard of in the World, for ought appears by any extant Monuments of Humane Affairs, 'till the claim laid to it by the Popedom, and that by vertue of the pretended Divine Law on it's side. 2ly, The Divine Natural Law of God hath constituted the Civil Magistrate as Supreme over all accordingly also. And so it was upon the account of the first Fathers being Fathers; that they had by that Law, and the voice of God from Heaven (as was said above) Dominion and Rule over their Children. And it was upon the account of Moses his being Civil Magistrate, that he was constituted Supreme over all Israel. And so it was also in the succeeding Judges and Kings of Israel. And the Prophets called Kings the Nursing Fathers, and Queens the Nursing Mothers of the Church. And the like accordingly in the New Testament. Christ himself, the eternal Head of his Church, and who is above all Principalities and Powers in Heavenly places, paid Tribute to Cæsar, and taught his Disciples that Lesson. And St. Paul layes down the Universal good of mankind as the end of the Civil Magistrate his executing of his Office; and exhorts that Prayers and Supplications be made, first of all for Kings; that under them we may live a quiet and peaceable life in all Godliness and Honesty. And St. Peter (as was said above) calls Kings the Supreme amongst men. And in all these and the like instances and places of both Testaments, there is a concession of the Supremacy in Humane Societies, either express, or supposedly made to the Civil Magistrate.

Ibid. lib. 3. cap. 4. n. 25. in prin. cip.

Lib. I. Chap. 3. s.

Isa. 49. 23. And cap. 60. 13. 16. &c.

Matth. 17. 24, 25, 26, 27. Matth. 22. 16, 17, 18, 19, 20, 21. Mark. 12. 14. Rom. 13. 4. 1 Tim. 2. 1, 2. Lib. I. cap. 3. s. 12. 1 Pet. 2. 13.

Vid. De pontif. Rom. lib. 5. Cap. 5. 6. &c.

3. The third and last Argument for it is from the consequences of the contrary, in respect to the Civil Magistrates Office. For, let but the Ecclesiastical Person be once constituted as Supreme, and then presently he will, and must of necessity claim an indirect Power in Temporals, sufficient for the supporting of that his Supremacy. 'Tis the very thing which is done by the Roman Pontifex at this day; and which is maintain'd by *Bellarmino*, and the other Champions of that Sea: and then, this indirect power in Temporals being conceded to him, it will give him ability of invading the Office of the Civil Magistrate. And then, the corruptions of men being considered; and the Mundane Honours and interests which belongs to the Office of the Magistrate (as was mentioned above) being

being propos'd as a Temptation to the Ecclesiastical Person; he will be alwayes converting into the Civil Magistrate, and injuriously usurping the Temporal Splendors of his office; Nay, he must of necessity possess them, for the support of his Ecclesiastical Supremacy: and so in the end the very Office it self of the Civil Magistrate will be quite extinguish'd and swallowed up by the Supremacy of the Ecclesiasticks. An instance of these things is to be seen also in the Bilhop of *Rome*. *King James* objects to him; that at the first he was but the poor parish Priest of his Church in *Rome*; but that now he was grown to a Supremacy over Kings, an Universal Pastorship, &c. And this is also farther to be observed concerning him; that although he possesseth all the splendors belonging to the office of the Civil Magistrate, (He dispenseth the great Offices of State; he is serv'd in a more magnificent manner then most Temporal Princes in the World,) yet scarce any such thing as the Supreme Civil Magistrates Office is own'd to be sustained by his Person; but all is absurdly, and against the nature of things, given out as belonging to him one way or other at least, principally as *St. Peters* Successor. But now on the contrary; if the Civil Magistrate hold the Supremacy, there is no such danger of the like perpetual injury, and of his usurping, or extinguishing the Ecclesiastical Persons Office: There being no such worldly splendors belonging to it, neither superiour nor equal to those of the Magistracies own Office, to be a temptation to him to usurpe it. So then, this distinct order of Persons and Power, which hath been mention'd, and which is appointed by God and Nature, being preserved and kept up in the World, and particularly in the Uniformity of Churches, there will follow no such confusion of things, nor destruction of the right and natural order of them, appointed for the governing of the World, and the welfare of mankind in all Ages, as hath been mention'd; but if the contrary disorder be attempted, the contrary confusions and absurdity in things accordingly will necessarily follow.

XXII. In the interim, by this the Magistrates indirect Power in Spirituals, which I have here all along mentioned, he is appointed by God to be a *Nursing Father* to the Church: Which he should never forget to be; considering that it is by God *that Kings Reign*, and by him *that Princes distribute Justice*: He should *kiss the Son*, *least he be angry*; or else he, that hath broken in pieces the Head of Gold, the Brasse, and the Iron, and put a period to the greatest Monarchs in the World, can also in a moment put a period to any temporal Princes power whatsoever.

XXIII. Last of all; the Supreme Magistrate in any Ecclesiastical Uniformity may commit the exercise of this his Indirect power in Spirituals to the Governours of the Church under him: And there is a necessity of his acting by others in this kind, as well as in any

In his Defence of the Right of Kings.

By the Magistrates indirect Power in Spirituals, he is appointed to be Foster-father to the Church.

Isa. 49. 23.
Prov. 8. 15, 16.
Psalm. 2. 12.
Dan. 2. 31.

The Supreme Magistrate may commit the exercise of this Indirect Power in Spirituals to others.

Hic Supra.
§. 5.

any other; because himself is not able to bear the whole burthen alone. And the more directly things tend towards the nature of purely spirituals; and the more neerly by consequence that they concerne the Church; the more fit it is, that, where the Church is Incorporate into the State, they should be put into the hands of Church-men to manage; the respects only, which have been mentioned, being kept up to humane Society in the mean time. So then, to Church-men principally they should be committed in Ordinary: The power of inspection over the Church-men being only reserved to the Prince himself, and the Liberty of Appeals to him from them, in any case happening, being granted to the Subject. And this is the case of the Church Governours, and the *Index Ordinarius*, or *Ordinary* in England. And of the like also in other Churches.

CHAP.

C H A P. VII.

The Proposition asserted, that, *Humane Condition in this World being considered, there can be no such thing indulged (really) in any State or Common Society of men, as a loose and open Toleration of venting and disseminating of Opinions in matters of Religion, without deadly Feuds and Contentions in that Society, and the dissolution of it in the end by those Feuds, and mens falling together by the Ears, and to Warre one with another. The dispraise of such and the like Feuds, and Contentions: And how they make to the hurt of Religion, and also of Government, and also of the consistency of Religion with Government; and how much they are forbidden in Scripture. The Conclusion drawn from all these things.*

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| <p>I. First, <i>What is meant by an Opinion in matters of Religion, explained.</i></p> <p>II. <i>What is meant by a loose and open toleration of divulging such Opinions, explained also.</i></p> <p>III. <i>The things here to be considered of, as accompanying Humane Condition in the World, assigned.</i></p> <p>IV. <i>The proof of the main</i></p> | <p><i>Proposition from three Considerations of things.</i></p> <p>V. <i>First, from the Aptness of men to entertain opinions in matters of Religion.</i></p> <p>VI. <i>Secondly, From the infinite variety of these Opinions amongst them.</i></p> <p>VII. <i>Lastly, From the Array in which they go forth to the propagating and defending of these their opinions.</i></p> <p>VIII. <i>The</i></p> |
|---|---|

VIII. The more particular
mischeifs of Opinion-Con-
tests to the affairs of Hu-
mane Societies.

IX. First, To Religion.

X. Secondly, To Govern-
ment.

XI. Thirdly, To the Consi-

stency of Religion with Go-
vernment.

XII. And Lastly, How much
they are forbidden also in
Scripture.

XIII. The general Conclusi-
on subjoyn'd to all these
things.

What is meant
by an Opini-
on in matters
of Religion,
explained.
*Supra lib. 2.
Cap. 1. §. 4, 5,
6, 7, 8.*

*De Repub:
Dial. 5. ad fi-
nem.*

*Secunda Se-
cundæ Quæst.
1. Art. 4.*

I. **T**He Causes of mens contesting their Opinions in matters of Religion being above described, we come here to describe the effects of their divulging and such their consequent contesting of them in any Society: And those we do assign to be deadly Feuds and Warres amongst men, and finally by them the ruine and confusion of any such Society. First of all then we shall explicate what we mean here by an Opinion it self in matters of Religion. And an opinion is taken either properly, or improperly: And strictly taken in the General sayes *Plato Morri- isiv, &c.* It is a middle thing betwixt ignorance and knowledge: And that because of the doubtfulness of the mind in assenting to the particular matter of such an opinion. And, if we farther distinguish it, it is taken either effectively, for the weak and doubtful assent of the mind it self to any Proposition; and so, *Est actus Intellectus declinantis in unam partem contradictionis cum formidine alterius*, sayes *Aquinas*; That it is an act of the intellect inclining to one part of the contradiction with a fear of the other its being true also. Or else, objectively, for that sence of the Proposition which is so assented to. But we understand not an Opinion here in this proper sence of it; but improperly, and more largely; and that is for any Judgement whatsoever held by men concerning things in matters of Religion. And the Truth is; The vulgar heads amongst men (in Relation to whom principally we mention contesting of opinions up and down in this discourse) do seldome entertaine any Judgment in matters of Religion purely probably, and opinionatively, as the Terme is properly taken: But, partly from the shortness of their own Eyesight, and their want of farther insight into things, and Arguments *pro* and *con* concerning them; and partly from the little experience they have of the uncertainty and difficulty of many matters of Knowledge and Study, and how many times men do upon farther searck and tryal of both sides recant their first thoughts concerning them; and partly from the influence which the present sence they have of things hath upon them, especially the Sacred Notion of Religion accompanying it and overbearing them: from these and the like causes they judge all things that

that they have but any notion and apprehension of; to be certain, and as if there were no opposition to be made against them; and that because they have none to make themselves. And these are the common Rout, who have ordinarily these Judgements and Opinions sowed (as a man would sow seed in a field) upon any occasion amongst them; and who are accordingly also hissed on by others to the contesting of them. In the mean time they who are of deeper and abler heads in any Society, and who ordinarily see cause in most things to be of more Temper; either, the one sort of them, they do charitatively and honestly acquiesce, and think that by doing so they do their duty (for it is most certaine that (as Mr. Chillingworth sayes) *there be many things in Religion, the certainty of which will not be known till the day of Judgement, nor is it any great matter whether it be or not.*) Or else the other sort of them, like cunning men, Heresiarks, and Ringleaders of Sedition (as we mentioned above) they do gather a company with *Corab*, and muster them up in the defence of the opinions entertained by them, even to publick Feuds and Warres themselves, and the other dire effects of these things just now pointed at by us. So then, such a Judgement of men in matters of Religion, so confided in by the one sort of those mentioned, and so ordinarily made use of by the other, is that which we here first of all more expressly, and hereafter in like manner frequently call an Opinion.

Against Knot.

Lib. 2. cap. 4.
§. 6. &c.

II. We shall explicate also, what we mean by a loose and open toleration of mens venting and divulging such their Opinions. And by it is meant a Toleration, over which there is no restriction, nor Government held at all, by the Governours either in Church or State in any Society: No not so much as by a private under-hand ballancing of those opinions which are suffered so to be vented and disseminated. And this kind of toleration is it also, which we do oppose to that kind of unity in matters of Religion, which is above mentioned: and which unity will be interpreted to be the same with an Ecclesiastical Uniformity, which will be mentioned hereafter, and treated of more particularly in the Third and last Book belonging to the Body of this Discourse. And this Toleration it is, which we do here affirm, cannot (the condition of men in the world being considered) be permitted in any Society, without those dire and dreadful effects mentioned following upon it.

What is meant by a loose and open toleration of divulging such opinions; explicated also.

Lib. 2. cap. 1.
§. 9, 10.
Infra Lib. 2.
cap. 8. §. 5, 6, &c.

III. The things to be here considered of then as accompanying humane Condition in the World, and in order to the proof of our proposition by and by from the consideration of them, are more generally the two grand Causes of all mischiefs in humane affairs mentioned by us above, (*viz.*) The Infirmities and Corruptions of men; and more particularly, the ordinary causes of Religious contests assigned (as we said just now) above also. And that

The things to be here considered of, as accompanying Humane Condition in the World, assigned.

Lib. 2. cap. 4.

§. 1, 2, 5, &c.
Lib. 2. cap. 1.
§. 4, 5, 6, 7, 8.

The proof of
the main Pro-
position from
three Consi-
derations of
things.

First, from
the aptness of
men to enter-
tain opinions
in matters of
Religion.

whether they proceed from either of those more general causes in men.

IV. We descend then from these things to the proof of our main proposition; That it is impossible for any purely loose toleration of divulging of opinions to be permitted in any Society, without the destructive effects mentioned to be consequent upon it: and that I shall prove from these three considerations of things in conjunction one with another.

V. First of all, from the aptness and readiness of men to hearken after and conceive and entertain opinions in matters of Religion. It is true, in relation to all affairs in the World whatsoever, That *Humane Nature is greedy of News*, and delights to know any thing which is Rare and Curious:

*Pythagoras olim quid senserit, & quid acutus
Chrysippus, vel quid Priscus Anaxagoras.
Scire etiam quid Protagoras, Zenoque, Platoq;
Tradiderint, & quid Magnus Aristotles.
Scire etiam quotnam fuerint Bacchiq; Jovesq; &c.*

*What Pythagoras thought heretofore, and what acute
Chrysippus, or what Ancient Anaxagoras.
To know also what Protagoras, and Zeno, and Plato
Did deliver, and what Great Aristotle.
To know also how many Bacchuses and Jupiters there were, &c.*

And if so in all other matters, then much more in matters of Religion; which, some of them, do indeed, most of all things in the World, concern men, and belong to them to know, (*viz.*) such as are Fundamental, and necessary to their eternal welfare in another world; and others which *pro hic & nunc* are either in a lesser or greater degree requisite. But the vulgar amongst men do use to entertain all things that bare but the name of matters of Religion, and are cry'd up amongst men for such, under these Notions; and be they otherwise never so purely speculative, or dubious, or not enjoyned in Scripture, or any wayes remote from the Foundation, and the like, and so impertinent for them to be so solicitously busied about: And no wonder then, if they desire to know them, and are so ready to entertain Opinions concerning them.

Secondly,
from the infi-
nite variety
of these opi-
nions amongst
them.

VI. Let us adde to this the consideration of the numerous multiplication and encrease of these Opinions in men, which doth follow upon their thus greedily harkning after the entertaining them. Scarce any thing is ever brought into question, but there are presently several Opinions formed concerning it; and those presently are again divided, and subdivided by the variety of Heads amongst men.

*Quot Capita vivunt, totidem studiorum
Milia. — And
Mille hominum species, & rerum discolor usus.
Velle suum cuiq; est, nec voto vivitur uno.*

*Horat. Serm.
lib. 2. Satyr. 1.*

Perf. Satyr. 5.

*As many heads as are amongst men, so many thousand there are of
minds. And
There are a thousand diversities of men, and a variously different
use of things.
Every one hath his will, neither do men live with one sort of
Wish.*

And this variety of Opinions amongst men will not at all be wondered at, if we look but to that infinite variety which is in Nature in all things whatsoever. And, as in all other things, so in the natural and ordinary causes of men's forming their Opinions. And those Natural and Ordinary causes become necessary also, *Positis debitis circumstantiis*, and the circumstances attending mens several cases being weighed as belonging to them. Such natural causes of mens varieties of Opinions in matters of Religion, and those so necessary, as is said, (and where there is otherwise no special direction of God) are a thousand things in the World. Their Masters, their Books, their Companies, their Interests, their Constitutions, their Educations, their varieties of Tempers and Distempers, their degrees of light and understanding, and other the like things in all the infinite particulars of them; and all of them operating diversly in men. The experience of all Ages will justify these things: and particularly the Histories and Monuments of the Christian Church have been a large Comment upon the Truth of them. How many diversities of Judgments have there been? and all of them accounted Heresies by the mutually contesting parties in matters of the Christian Religion: In the Histories of *Eusebius*, and others; in the Catalogues of *Epiphanius*, *Philastrius*, *St. Augustine*, and the like Writings, it is to be seen. And how have these been diversified over and over again, in several Ages and Countries, ten thousand times amongst men. So that we need look no further for the illustrating of this second consideration, then from these causes mentioned to their effects, and from the effects back again to their Causes.

VII. In the third and last place (for the proof of our Proposition) Let us go but one step farther, and adde to both these also the consideration of the several qualities in which men come forth in Array, as it were to the Venting, Propagating, and defending of these their Opinions, when thus entertained by them: and those are accordingly as they are accompanied either with the general

*Lastly, from
the array in
which they
go forth to
the propaga-
ting and de-
fending of
these their
Opinions.*

Hic Supra.
§. 3.

Causes of all mischiefs in Humane Affairs, or else with the more particular Causes of Religious Contests: And both these, such as were mention'd by us just now; and so some come forth accompanied with their corruptions, cunning, self-ends, and worldly designs; Others with their infirmities, weakneses, and indiscretions: the one sort of them being weak in Judgment, and fit to be led, and distinguishing neither of times, nor persons, nor things; neither considering from whence things proceed, nor whither they tend; and the other sort leading them (if they do not run fast enough of themselves) to the accomplishing their several designs of Envie, Anger, Hatred, Malice, Ambition, Avarice, &c. although in the interim, as to the publick, it be even to the ruine of all Humane Society. And in the like manner are these contestors of opinions accompanied also with the particular causes of such their contesting them; Those ordinary ones which have been mentioned, and the like others, and so some come forth accompanied with their hot fiery vehemence of mistaken Zeal, proceeding from the potent influence of the unduly fixed and immortal notion of Religion on their minds, and having an appetite to burn up all like stubble as it were that comes in their way: Others with the mixture of their private Passions, together with their indiscretion and furious Zeal: Others with the mixture also of their adored worldly interests, together with all these things. And although perhaps the weaker sorts of these contestors discern not, even in themselves, the private and subtle mixtures of these baser things in the mean time; yet however the effects of them are never the less direful to humane affairs. And now the great varieties and numbers of the mutual Thwartings of mens Opinions, which use to be in the World, being considered in conjunction with these things; if all these things thus in conjunction one with another, be not enough to bring any Community under Heaven to the distempers and ruins which we have mentioned, if the swing of them be permitted; Then *sphinx aliud fingat*, Let any man assigne, if he can, any more certain and effectual causes of those Distempers and Ruins, even in the Civil part of Humane Affairs, and where the potent influence of Religion (mentioned) is not in Conjunction with them. And if there be an open loose toleration of these things, where can they or will they stop, but at the Sword, which is the fatal and last way of determining all Controversies amongst men. And if any toleration whatsoever proceed but so farre as to the predominating of these things, then 'twill be found experimented too late, That the Tumultuous multitude and interests of men, when in such a Posture, are not to be ruled; and then either one party must prevail and be uppermost, and oppress all the rest, and reduce them to a conformity to such Lawes to be held over their opinions, as they shall think fit, and then the loose Toleration is at an end; or else all must persist to contend

contend mutually to their final ruin, and confusion. Instances, in these things, there are innumerable, if a man will but look into the Monuments of Humane Affairs. *Quæ sunt igitur ea* (sayses Plato) *de quibus cum dissentimus, nec judicare facile possumus, inimici effici-mur, & Iracimur?* Why, *Sunt justum & injustum, pulchrum & turpe, bonumq; & malum: Hæc sunt* (sayses he) *de quibus, cum dissentimus, nec possumus ad sufficiens horum judicium perve-nire; Hostes effici-mur quoties effici-mur, & ego & tu, ac demum homi-nes universi.* What are those things, about which when we disagree, nor can easily judge of them, we become enemies one to another, and are Angry? Why, they are just and unjust, fair and fowl, good and evil; These are the things, about which, when we disagree, nor can come to a sufficient Judgment of them, we are very often made Ene-mies one to another, both I and thou, and in fine the universality of men. And it is that which Herodotus sayses of the Thracians; *Gens Thracum secundum Indos omnium maxima est; Quæ, si aut unius imperio regeretur, aut idem sentiret; ut mea fert opinio, inex-pugnabilis foret, & omnium gentium multo validissima: sed quia id arduum illis est, & nulla ratione contingere potest, ideo imbecilles sunt.* That the Nation of the Thracians according to the Indians is the greatest of all; which if either it had been govern'd by the Empire of one, or else could have but been of the same mind; that his opinion was that it would have been invincible, and the most potent of all Na-tions; but because that was very hard to effect, nor could not by any means be brought to pass, that they should be so, therefore they were inconsiderable and weak. But let us look into the Church Histories, both of the Christians and of the Jewes. It was Jeroboams policie (1 Kings 12.26,27.) for the dividing Israel from Judah, First to divide them in their Religion; and then he was sure they would not cement again. Indeed the Jewes and Samaritans differ'd in some things fundamentally, and to such a degree, as might deserve contention: In other things but only triflingly, and for little cause, especially in the after Ages and later times of their separati-on: and yet their hatreds and implacable differences arose be-twixt them in all things, and even beyond any due limits. The Jewes would not at all converse with the Samaritans, nor eat with them, nor wear the same Apparel, nor write the same Character: The worst they thought they could say of Christ, was, that he was a Samaritan, and had a Devil: They excommunicated them yearly by sound of Trumpet; They cursed them *in nomine Tetragram-mato, In the Name Jehovah;* They sealed their Curses on Tables, and sent them throughout all Israel. In the like kind hath their dealing been with us Christians, as it was with their Neighbours the Samaritans. They call us *Goiim, The Abominable;* and Christ, the Hanged God, &c. And if we look into the Christian Church, the like have been the bitter Feuds amongst Christians themselves;

In Euthyphro-ne vel de San-ctitate, in prin-cip.

In Terpsichora. ad princip.

Vid. Epiphani. Tom. 1. lib. 1. Haros. 4. See Weemeshis Christian Sy-nagogue, pag. 147. and 70. 49.

Vid. Drusium de Trib. Sed. lib. 3. cap. II. c. 11. Ilmedenus

Hist. Eccle-
siast. lib. 2. cap.
22. and 26.
Ibid. Cap. 23.

Ibid. cap. 30.

Ibid. Vid.

The more
particular
mischiefs of
Opinion Con-
tests to the
Affairs of Hu-
mane Socie-
ties. *Supra. lib.*
2. cap. 1. §. 12.
13, 14, 15.

First, to Re-
ligion.

even amongst those that have been of one Civil Community and Conjunction, and have professed to have been of one and the same Church of *Christ*. The Church Histories are full of these things in all times and Ages, where opportunities of them have been given. The Historian *Socrates* is witness, what wrackings of Joynts, sales of Estates, Banishments, Deaths, &c. were inflicted by one party upon another; how they contested their Judgments and Opinions with Fire, and Stripes, even to egregious Cruelties, and the Barbarous depriving one anothers dead bodies of Burial, and to the Mutilating, and Banishing, and Murthering the Ministers of Churches, and the like; how they gagged the mouths of them that would not communicate with them in the Sacrament, and forced the Sacramental Bread and Wine down their Throats, and stretched forth the Womens Breasts with Instruments, and and Pincers, and Sawed them off; Others they burnt off with red hot Irons, and Eggs made burning hot in the Fire, and the like: How they pull'd down the Churches of some, made the others swim with blood, and the like. It is a shame, and would irke any one to read of these and the like things: and all these, and many more such have been the effects of the contesting of Judgments, even in the Primitive Christian Societies. Finally, the several Martyrologies of Countries contain these things in Folio. The late Sacred flames and intestine Warres of *Germany, France, Ireland, England*, and other Territories have been recent and fresh examples of them. And in all these, the predominating Causes of mens contesting their Opinions (which I have above mention'd) have run away with them furiously, and put the several Societies into a flame. And thus is the proof of the Proposition.

VIII. So then, as I have above more particularly described the benefits of that Charity and Peace, which accrue to Humane Affairs from that opposite Unity which may ordinarily be held in matters of Religion; so here I shall in like manner describe also those mischiefs that flow from these Dissentions, and publick contesting of Judgments, which are the effects of this loose toleration in the same matters, and how much also they are forbidden in Scripture.

IX. First then, how much they make to the hurt of all Religion whatsoever (which Feuds, Warres, and popular Contests always prejudice more or less) but in an especial manner to the hurt of the Christian Religion, which we still eminently referre to: And as to that, they create Atheisme, and Prophaness, and all manner of Scandals and Offences amongst men; They blemish the Christian Profession, both as to those that are without, and as to those that are within; they drive both of them from the very Profession (either of them in any serious manner) of the Christian Religion; which they think (from their beholding them amongst Christians)

Christians) maintains so ill things, as such bitter and passionate Feuds and Contentions are. The *Jewes* have a saying, *That the Christians predicate their Messias to be the Prince of Peace; but that they themselves are ever at Warres:* As if (like to what is said of *Semiramis*) they carryed a Dove in their Banners, but with a bloody Sword in his Beak. And it is a true saying of the *Lord Verulam*, and which the several Ages of the Church will testifie to, that, in respect to Scandals and Offences, Heresies and Schismes have done by far more harm in the Church, then corruption of manners. Alike hurtful also these contentions and Opinion-Feuds are to the Practice of the Christian Religion. And briefly, whatsoever benefits we have recited above to accrue by Charity and Peace to it, the contrary mischiefs in every respect we do assert here to accrue to it by these Contentions. Instances and evidences of these things there have been ever abundance, if I should stand to recite them. It was not for nothing that Famous *Constantine* burnt the Bills of Complaint, that were brought to him by the Ministers in his time in the Christian Church. And it is the saying of *Contzen* the Jesuite, *That all open Disputes amongst the Vulgar, concerning either Points of Religion or Government, do weaken the Authority of such Points, at least by bringing them into doubt with men.* And the late Civil Warres of France were a great instance of these things: the Warres lasted about fifty years, and there were (sayes *Davila*) the Religious names of *Lutherans* and *Calvinists*, *Hugonots* and *Catholicks*, and the like, to lead the front of them. And it was said in a Proverb about *Italy*, and in other Countries, at the end of them, *That the Civil warres of France had made a Million of Atheists, and thirty thousand Witches.*

See, his Essayes. Eff. 3. of Unity of Religion.

Lib. 2. Cap. 1. S. 12, 13, 14, 15.

Apud Socr. Hist. Ecclesiast. Lib. 1. cap. 5. In his Politicks. lib. 2. cap. 8.

See, his History in the first and second Books, and elsewhere.

X. The like are the mischiefs also of these Opinion-Contests to Government, both in Church and State, in their several Spheres: They bring all the mischiefs, and make, all those several wayes, to the hurting of the present lawful Governours and Government, which are contrary to the benefits, and to those several wayes by which those benefits accrue to them by the Charity and Peace above mention'd. *Μεταβάλλον δ' αἱ πολιτεῖαι ἀνὰ χρόνον, ὥς τὸ τῆς ἐκείνης, sayes Aristotle;* *That the States of Common-weals are sometimes changed without Sedition, (viz.) by Contention.*

Secondly, To Government.

Polit. lib. 5. cap. 3. n. 17. Thirdly, to the Consistency of Religion with Government. And lastly, how much they are forbidden also in Scripture.

XI. And in like manner do they make to the hurt of the consistency of Religion with Government.

XII. And last of all, in like manner also are they forbidden in Scripture, and in both parts of the Divine Law of God. See *Deut. 7. 2, 3, 4. Deut. 12. 2, 3. Deut. 13. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. Prov. 6. 19. & 17. 11. & 18. 6. & 30. 33. and Matth. 12. 25. Rom. 16. 17. 1 Cor. 1. 10, 11.*

XIII. We have then further but one consecratory and conclusion to subjoyn to these things here in the end of this Chapter; and

The General conclusion subjoyn'd to all these things.

that is, that if it be so then, that that Charity and Peace which we have mentioned, make so much to the welfare of the Publick Charge of the Magistrate, and are so much commanded in Scripture, and that the contrary contentions hurt so much the same Publick Charge, and are so much on the contrary prohibited; then in how great a measure is it the Duty of the Supreme Magistrate, and all Governours under him, both in Church and State, in their several Stations in every Society, to take all care possible, and to use all lawful means that their affairs will permit, for the preventing and the removal of the one sort, and for the cherishing and promotion of the other sort of these things, in respect to their several Societies, and for the welfare of the members of them. It is upon the accounts mentioned, that all Lawes have ever had these respects to these things. And certainly he that will deny the evidence of this Conclusion, must deny light to the Sun.

Vid. D. Ad legem Juliam, De vi publica. l. 3. §. 1. &c.

Et D. De panis

L. si quis aliquid

fecerit. §. L. si quis aliquid ex Metallo. §. Authores. Et D. De Re Militari. L. ult. Et D. De operibus Publicis. L. opus novum privato. Et C. De Episcop. & Cler. L. Quicumque residentibus. Et De Pagani & sacrificiis, et Templis. L. Christianis qui vere sunt. Et C. De his qui ad Ecclesiam Confugium, &c. L. Hac valinard. et Ad Legem Juliam Majestatis. L. quisquis. Et vid. Novel. Constitut. 17. L. Deinde Conversus. Et L. neque occasione, &c. Et sic in aliis Legum Codicibus; et legibus, passim ubicunque in orbe Conditu.

CHAP.

C H A P. VIII.

The two Propositions asserted, (viz.) 1. That there must of necessity be some Doctrine, or Body of Doctrines, for profession of assent to be made to; and some forme or way of worship, to be us'd in Common; and both these as a Foundation for a medium or common means of procuring a charitative Communion amongst men in matters of Religion in any Society. 2. That there must of necessity also be a restraint held upon mens venting of their Opinions, as a means for the preventing and removal of Religious Contests; and both these sorts of means to be used to these ends by the Chief Governour, or Governours in such Society.

I. **T**He Assignment of the means for the procuring, a Charitative Communion; and for the preventing Contentions, as to matters of Religion, in Humane Societies.

II. And first, in order to the Assignment of the Means for the procuring such a Charitative Communion: The matters of Religion Distinguished.

III. Those matters of Religion

on also Assign'd, in Relation to which such a Charitative Communion is to be held.

IV. The state of the case concerning the holding that Charitative Communion in relation to them.

V. The Unity necessary to the holding of it, describ'd.

VI. That Unity distinguish'd.

VII. The Internal Unity desin'd, and apply'd to the holding of that Charitative Communion. VIII.

VIII. Nothing Internal can be a Medium for such a Charitative Communion amongst men.

IX. The External Unity describ'd and distinguish'd diversly.

X. The more general Assignment of it as the Great Ordinary and stated Medium for the holding such a Charitative Communion.

XI. The more particular Assignment of it as such also.

XII. The great secondary Medium, for the holding of

such Charitative Communion, assigned also.

XIII. The things Fundamentally necessary to the being of these Mediums assign'd; and the proof of the First Proposition following upon it.

XIV. An Appendant Question resolv'd:

XV. The Proof of the Second Proposition also.

XVI. The general Conclusion subjoyn'd to all these things.

The Assignment of the means for the procuring a Charitative Communion, and for the preventing contentions as to matters of Religion in Humane Societies.

Supra lib. 2. cap. 1. §. 12, 13, 14, 15. Lib. 2. cap. 6. §. 8, 9, 10, 11.

And first, in order to the Assignment of the means for the procuring such a Charitative Communion; the matters of Religion distinguished. *Supra lib. 2. cap. 1. §. 12.*

Those matters of Religion also assign'd in relation to which such a Charitative Communion is to be held.

Supra lib. 2. cap. 6. in princip. passim. Ibid §. 1.

I. **H**aving above describ'd the benefits of Charity and Peace to Humane Societies, and evidenc'd the necessity of some kind of Unity as to matters of Religion to be held amongst men in order to them; and having also describ'd the mischiefs of Opinion-Feuds and Contentions on the contrary, and evidenc'd their being the effect of a loose and open toleration of the venting of such opinions; I come here to assigne the Meanes, as for the preventing the one sort, so also for the procuring the other sort of these things in such Societies.

II. And first of all then; in order to our Assignment of the means for the procuring positive Charity, and the most proper sort of Peace (as was above mentioned) flowing from it, we must distinguish of the matters of Religion which those things have a respect to: And all such matters of Religion are either matters of Doctrine, or matters of Worship.

III. About these then, and under these Notions, as all the Opinions mentioned are fram'd and contested, so all hearty Charity and Peace doth use to be held. And if there be not such Peace and Charity held, and the means us'd for the holding of them, the contrary Contentions about them will follow in Humane Societies; At least the vulgar lie open to be led actually into them by any Heresiark, or Ringleader of Sedition at any time; Their Property (which was mention'd) of judging all their Notions in Religion to be certain, being consider'd. But if there be such an hearty Charity

Charity and Peace held concerning these matters; then there are no matters of Religion coming under any other Notions whatsoever, from whence Contentions any wayes dangerous to the publick weale need to be feared. And these things are evident from all times and Histories in the World: Let the Church affairs of the *Jewes, Gentiles, Christians, and Mahometans*, be looked into. Finally, it is no wonder if it be so, since all matters, both of belief and practice in any Religion, whatsoever, which lead to the Eternal Salvation of men in another world, come under one of these Notions, either of Doctrine or Worship, as is said. And as there is nothing in the whole being of things, which will more divide men, then Contentions about these things, (as hath been several times already hinted) so there is nothing which will more closely cement and unite them, then a Charitative Communion about these things also. Experience hath alwayes testified it.

IV. Doctrines then in matters of Religion are either Written, or unwritten and Traditional: And such a Charitative communion may be held in respect to either of them. But because writing is, and alwayes hath been the more ordinary way of the Conservation of Things and Records amongst men; and therefore the written sort of these Doctrines are more ordinarily found in all Churches and Humane Societies; for this reason it is, that we here intend the Peace and Charity mention'd to be held principally concerning them. Worship also is either Publick or Private: And because men are suppos'd to be reserved and more separate in their private Divine Worship (or else such Worship will not bear the Notion of Private) Therefore it is that such mutual Peace and Charity is here intended to be held concerning the Publick Divine Worship also; and that whether more or less principally, according as it is more or less Publick, and may from the more or less common use of it be so stiled.

The State of the case concerning the holding that Charitative Communion in relation to them.

V. It was said above, That Unity was the mother of all Charity. And so consequently it is to be suppos'd here; That there must be some kind of unity as to these matters of Religion, for the holding of this Peace and Charity mention'd amongst men. And what this kind of unity was, we said, we should here describe also.

The Unity necessary to the holding of it, Describ'd. Lib. 2. Cap. 1. §. 11.

VI. All the possible unity then that is to be held in matters of Religion amongst men, is either Internal, or External.

Ibid. That Unity Distinguish'd. The Internal Unity Defin'd and applied to the holding of that Charitative communion.

VII. The Internal unity is that which is held in respect to Inward Acts of the mind; and those of them that are here primarily concern'd, and as respecting Doctrines and Worship in matters of Religion as their object, are either Assent, or Dissent, or the middle thing, doubting about them.

VIII. Nothing Internal can possibly be of it self, and immediately, a medium or means for the procuring a Charitative Communion amongst men in any matters whatsoever; And so then, not in

Nothing internal can be a medium for such a Charitative Communion.

tative Com-
munion a-
mongst men.

Acts 15. 8. and
1. 24. &c.

D. De Reg. jur.
Reg. 195.

The external
Unity De-
scrib'd, and
distinguished
diversly.

The more
general affig-
nation of it
as the great
ordinary and
stated medium
for the hold-
ing such a
Charitative
Communion.

The more
particular
affignation of
it as such also.

matters of Religion: And that because inward Acts of themselves come not under the cognizance of men: they not affecting their senses, and so cannot affect them. *Ὁ καρδίο γινώσκῃς Θεός;*, That *God is the searcher of hearts*, and the like, sayes the Christian Scripture: And therefore, *Cogitationis penam mereri neminem*, That *no man deserves punishment for thoughts*, is the voyce not only of the Roman Civil Law, but of all Humane Lawes whatsoever. And, *Expressa nocent, non expressa non nocent*, sayes *Modestinus*; That *things outwardly expressed hurt; but that things not outwardly expressed do not hurt*. A real Union and Communion there may be, it is true; in such inward things: But that cannot become charitative and promotive of Peace amongst men, any farther then it is outwardly signified. Besides we enquire here concerning a stated and ordinary Medium for the procuring of such a Charitative Communion amongst them.

IX. So then, all external unity that is possible to be held by men in the matters of Religion mention'd, is in Relation to external Profession; and that as it respects such matters under the above-said Notions, either of Doctrines or Worship: And both of them, as they are matters, either of Belief or Practice: And in relation to all these, as such external profession includes and supposeth ordinarily, and is so taken to suppose either the Inward Acts of the mind as the Causes of it, and in order to it, or else the outward Acts of the Body, as the effects of it and consequent upon it. The Inward Acts of the mind, (*viz.*) Primarily, Assent, Dissent, or Doubting (*i. e.*) those above mentioned of the Intellectual or Prime Faculty of the Soul, concern'd as leading the Front in men in these and all other things. And secondarily, consent, and the like Acts of the Will and the Affections consequent upon them; and the outward Acts of the Body in relation to Doctrines or Practice; in relation to Worship, the use of it, and the like.

X. And this unity of External Profession now is it, which thus generally respects all these things, and also incurs into the Senses; and therefore comes under Humane Cognizance; and also is possibly and ordinarily to be held in the matters mention'd amongst men; and also is operative in them of mutual affection; and therefore for all these reasons is fit (and assign'd by us here as such) to be an ordinary stated Medium for the procuring such a Charitative Communion, as hath been mention'd in any Society.

XI. And because some Religion or other is suppos'd to have a being, and to be approv'd of and assented to alwayes in all Humane Societies: And because the medium here to be mentioned, ought of its self, and in it's own Nature, to tend totally and evidently to the Peace and Charity which it is assign'd as a medium of. therefore amongst all the sorts of External Profession mention'd, in respect to the Inward Acts of mind, it is Profession of Assent
only

only (either to matters of Doctrine or Worship, either Practical or Speculative) which is here primarily to be look'd upon as such a stated medium for the Communion mentioned; and the outward practice of Doctrines, or use of Worship, are to be look'd upon as Testimonial to it.

XII. Yet because publick Worship is the most solemn way, next to this General and Universal Profession, of mens external concurrence in matters of Religion; and because the Sabbaths, and other times of such Publick Worship (both Stated, and Occasional) recur so frequently as they do, and ever have done in all Religions; and also because the use of such Publick Worship, and men conjunct partaking in it, are at the times of it the things they are immediatly and most sensibly concern'd in, and so they are for the present the most sensibly affected by them, and afterwards also proportionably by their subsequent influence on them: And for all these Reasons they are very prevalent to work Unity, and mutual Charity and Peace, as to the matters of Religion mention'd in men (and it is not so in mens separate and disjunct Practices of any Duties whatsoever) therefore the unity of the use of such Publick Worship in all Societies, deserves, both in its self, and as it relates backwards to, and includeth in it ordinarily such profession as is mentioned, to be look'd upon by us, and assign'd also as the great secondary medium for such Charitative Communion amongst men; and as a Testimonial to profession, we shall farther handle it hereafter.

The great secondary medium, for the holding of such charitative Communion, assign'd also.

XIII. Last of all then, that there may be an Unity of this Profession, and of the Use of the publick Worship mention'd, and that both may be one in any Society; it is evident, that the objects of them, and the things which they are conversant about as such unities, (*viz.*) The Doctrine or body of Doctrines, and the forme or way of worship mention'd, *must of necessity* be One also: And that because the Acts of Profession, and the use of Publick Worship mentioned, as to the kinds of them, are necessarily determined and specified by these their objects; so that this is fundamentally necessary in this matter. And thus then, and by these several steps of our Progression we are here at last arriv'd at the proof of our first proposition here to be asserted, (*viz.*) That there must of necessity be some one Doctrine or Body of Doctrines for profession of assent to be made to; and some one form or way of publick Worship to be us'd in Common; and both these as a foundation for a medium or common means of procuring one Charitative Communion amongst men in the matters of Religion in any Society: And by these means then it is, that the positive Consistency of Religion with Government, which hath been mention'd, is to be effected. And this positive Charity, which they are efficient of, includes in it the Negative. And by these things also, as they are external, Religion

Infra lib. 3. cap. II. §. 4. The things! fundamental-ly necessary to the being of these mediums, assign'd. And the Proof of the first proposition follow- ing upon it:

Supra Lib. i. Cap. I. §. 4.

Supra ibid.
S. 17.
An Appen-
dant question
resolv'd.

hath an influence immediately upon Government, as was above also first of all mention'd in the Body of distinctions concerning these things.

XIV. Here is but one *question* then to be resolv'd, as an Appendix to these things: And that is, *Whether, notwithstanding that there be a variety of some such Doctrines or wayes of Worship permitted, and consequently a variety of Communions held as to them in any Church; yet however, that there may not be some one communion held as to others, sufficient for the Publick Peace in the mean time?*

The answer is Affirmatively, that they may be so: And the world is full of Presidents in the case, according to the divers respects of several things to it, and the diversities of the occasions and necessities of Societies. But then this inconvenience will follow, that under those diversities of communions held as to some of those things, the people lie more open and ready, either to fall into any sort of factions (dangerous to the Publick) of themselves, or else to be led away by others: Which thing, if the present occasions of Societies will permit, would be avoyded by all Governours. And generally the means us'd to as much Unity as may be, and as the Consistency of Government with Religion, and the common condition of other Humane Affairs will permit in matters of Religion, is best and most healthful for all Societies. Upon this account it is, That the voluntary Reductions of Societies, and when they have made them purely by choice and good deliberation, have been alwayes generally this way.

Vid. Decret.
Secundæ Sess.
onū Concil.
Tridem.

See concern-
ing the
Church-ser-
vice; prefac'd
to the Litur-
gy.

The first thing that the Council of *Trent* did as a Council, it was to confirme the Creed or Confession of Faith us'd in the Roman Church, and in which all were to agree: And the Reductions of that Church generally have been, even to extreams, this way. The Church of *England* in her matters of Worship, have reduced the several different uses of *Salisbury, Hereford, Lincolne, &c.* to one only. And the Canons and Decrees of Ecclesiastical Synods and Councils, that have been in other times and Churches in these matters, are frequently to be seen.

The proof of
the second
Proposition
also.

XV. Our second Proposition then comes next to be prov'd, in relation to the removal of Religious Conteſts, and the procuring negative Charity, and that improper sort of Peace (at least) which followes upon it. And that briefly; for that there muſt of neceſſity be a restraint held upon mens venting and Diſſeminating of their Opinions, in relation to the effecting these things; it is ſufficiently evident from hence; becauſe there is no middle thing betwixt this holding ſome kind of restraint, or other, upon mens venting their opinions, whereby these things may be effected, and the looſe and open toleration of ſuch the venting of them which we have mention'd, and whereby all thoſe miſchiefs which ſuch a restraint aims

Supra lib. 2.
Cap. 5. S. 2.
&c.

aims at the preventing of, follow upon Humane Societies. So that, where there is a mixture of divers Professions in any Society; either some such restraint, fortified with Penal Sanctions, must keep men from breaking the Peace by such their Opinion-Contests, or else there is nothing remaining besides *in totâ rerum Natura* for the doing of it. And hence it is that all Lawes have ever taken their last sanctuary at this restraint for the conciliating of the publick Peace in these matters. The Lawes concerning the Deposition and Silencing of *Anthemius, Severus, Petrus*, and others, may be look'd into in the *Novels* of *Justinian*. And the like in other the like Books of Laws, and occasions of Countries. And although it be true, that a bare toleration and forbearance of one another mutually, as to opinion-feuds, may perhaps possibly be forc'd upon men by their own necessities in any Society (at least for sometime, and while the sence of their own miseries brought upon themselves by such their Opinion-Contests at any time is working them to a better Disposition of mind, and condition in respect to the Publick-weal) yet however that is seldome; and when it is, detracts not at all from these things; since such a necessity, in such a case, as in the place of a Magistrate, or chief Governour, and effectually causeth men both to hold such a restraint over themselves, and at last, from the sence of their own Calamities, to yeild to have it held over them by others. The late confusions in *England*, and their suggesting evidently to the contesting parties the necessity of their reception of their Rightful Sovereigne to govern them again, was a great instance of these things.

*Anth. Coll. 4.
Tit. 20. Nov.
Constit. 42.
passim.*

XVI. In the last place then, we have only one general Conclusion to subjoyne here to all these things: And that is, that, if it be so that these are the only great and stated means which we have mentioned, for the thus procuring Charity and removal of Contentions; then who shall deny the use of them to the Chief Governour in any Society for the effecting these things? shall it not be Lawful, nay, necessary for him, as his Duty, and as his Government is a Charge committed to him by God, as well as upon the account of its being barely his right to hold it (as was above first of all distinguish'd) to propose and enjoyn such an Unity of Profession and Use of Publick Worship, so farre forth as his affairs will permit; and that for the promotion of Christian Charity in the true Christian Church, or else of Common Charity amongst men, if in a false Church of any other Religion? Or else however, to hold a restraint upon the irregular venting of Opinions to the breach of the Peace? Who will deny it? We conclude then, that the faculty of doing these things, is a Fundamental, and a very principal part of the Magistrates Indirect Power in Spirituals; and a Right belonging to him, in every Ecclesiastical Uniformity, and in the

The general Conclusion subjoynd to all these things.

*Lib. I. cap. I.
S. 11.*

several particulars of it, by the same General and Original Law of Nature, which dictates the very being and welfare of Humane Society, and upon which all Church Society is founded. And as it thus belongs to him in his way, *Summo Jure*, where the Church is National; so also to the principal Church Governour, in his way also, where the Church is secluded.

CHAP.

CHAP. IX.

Hence the way of an *Ecclesiastical Uniformity* (viz.) in *outward Profession*, and *Publick Worship*, hath been alwayes endeavoured, and made use of by the Governours of all Societies, in their different wayes; and that from the dictates of the *Laws of Nature* and *Nations*, and the *Divine Law* approving of it, and leading them to it.

- I. **T**he Practices of men concerning their making use of an Ecclesiastical Uniformity derivative from their correspondent Principles.
- II. The Application of the matters of Religion, and of the External Unities which have been mention'd, to an Ecclesiastical Uniformity.
- III. Such an Uniformity Distinguisht.
- IV. It is convenient that there be also an Uniformity in Discipline and Ceremonies held in Churches.
- V. The grounds and reasons of an Ecclesiastical Uniformity.
- VI. The two Grand instruments of it.
- VII. Divers have been the sorts of Ecclesiastical Uniformity in divers Societies.
- VIII. But still some kind or other of it hath been endeavour'd and made use of in all Societies; and the Practices of those Societies, and the Principles leading them to them assign'd.
- IX. The first of those Principles, the light of Nature.
- X. The second of those Principles, the Divine Law.
- XI. The Practices of Societies also assign'd.
- XII. First, from the Determinations of Councils held in the Christian Church.

XIII. Secondly, from the Civil and Ecclesiastical Lawes of Countries.

XIV. Last of all, where this Uniformity hath been but in part, or in small mea-

sures, the Governours of Societies still, as Controversies have arisen, have been forced to come to farther degrees of it.

The Practices of men concerning their making use of an Ecclesiastical Uniformity, derivative from their correspondent principles.

The Application of the matters of Religion, and of the external unities which have been mention'd to an Ecclesiastical Uniformity. lib. 1. cap. 1.

S. 1.
Such an Uniformity Distinguished.

It is convenient, that there be also an Uniformity in Discipline, and Ceremonies, held in Churches.

I. **T**HUS have been the speculative Principles concerning an Ecclesiastical Uniformity. We come here principally to produce the suitable Practices of men, and such as have been derivative from the correspondent Principles; and immediately and directly conversant about their making use of it in Societies.

II. An Uniformity then in the General having been above first of all defin'd to be an Unity of the external forme of things; the matters of Religion, in relation to which, and under the notions of which as such, such an Ecclesiastical Uniformity is to be held, have been assign'd to be those of Doctrine and Worship: and the external unities, which such an Uniformity is to consist of, have been assigned also to be those of Profession (of assent) in respect to Doctrines, and of the use of Worship in respect to such worship. And this is the more general application of these things to such an Uniformity.

III. An Uniformity then in Churches, is either Positive or Negative. The Positive is that which is so Denominated from its consisting in the positive Unities mentioned; and therefore is most properly called an Uniformity in the subject matters of them, and is productive of the positive and most proper sort of Peace and Charity mention'd accordingly. The Negative is that, which consists in mens not divulging of their Opinions to the breach of the Peace, and the hurt of Religion or Government, or their mutual Consistency; and it is therefore called Negative, and is the improper part of this Uniformity; and is productive only of the negative and improper sort of Peace and Charity mention'd accordingly also.

IV. It is convenient, that in the same National Church and Territories of Princes there be an Uniformity held also of Discipline (the *Archæus*, or keeper of all these things mentioned) and Ceremonies (the customary Adjuncts of the publick worship) and both of which are many times so much contested under the notions of Doctrinals and Worship it self. An one uniforme partaking of men in these things, will, if it be but by the influence of custome upon them, further compleat and help to promote their charitative Communion: And also the more secure the people from being led into Factions about them. And that by it's rendering them a Subject,

ject not so easily capable of those factious impressions, which have been mention'd: and this Uniformity in these things is here laid down as an Appendix and Adjunct to the main and Principal Ecclesiastical Uniformity mention'd also.

V. The grounds and reasons then of an Ecclesiastical Uniformity, and those things, the procuring of which is the cause of Constituting it, and which it aims at as it's End, and Effects, have been already mention'd and treated of in their several places, and that partly separately, and partly applicatorily: And those ends of it are the greatest that can possibly be aimed at in the Affairs of Humane Societies, (*viz.*) more generally, the preservation of the welfare of the Magistrates Charge above mention'd, (*viz.*) Religion, and Government, and the Consistency of Religion with Government; and more particularly, the procuring of the Publick Peace and Charity, and the removal of Contentions in order to these things.

The grounds and reasons of an Ecclesiastical Uniformity.

Lib. 1. cap. 5. §. 7. & alibi.

VI. The two grand Instruments of the positive and proper part of this Uniformity also have been at least implicitly asserted to be a Canon of Doctrines and Liturgy, both vulgarly so called, and comprehended above under the more general notions of some one Doctrine or Body of Doctrines, and some one forme or way of publick worship: And of both which more particularly hereafter.

The two grand Instruments of it. Lib. 2. cap. 7. §. 13.

VII. Divers also have been the sorts and kinds of Ecclesiastical uniformity which have been made use of and settled in divers Societies. Some have been faulty, and in the extreame: some, although not so, yet have been more comprehensive of things enjoy'd by them, some less; some have been Comprehensive of one sort of those things, and some of another; and in some Societies there hath been only the negative part of such an Uniformity.

Divers have been the sorts of Ecclesiastical Uniformity in divers Societies.

VIII. But yet still some kind of this Ecclesiastical Uniformity or other hath been alwayes endeavoured and made use of by the Governours of all Societies in their different wayes. And because the practices of these Societies have further evidenc'd the perpetual and fundamental necessity of this Uniformity, it's being us'd as a means to the ends of it, which have been mentioned; I shall therefore here assigne some principal instances of those practices, and the correspondent Principles also which have led me to them.

But still some kind or other of it hath been endeavour'd, and made use of in all Societies. And the Practices of those Societies, and the Principles, leading them to them, Assign'd.

IX. In the first place then, The first Principle hath been the Universal light of Nature, which upon the grounds and reasons which have been mention'd, hath led men to the use and Practise of this Ecclesiastical Uniformity: And the sway of this Principle also hath been proportionable to the Latitude of it's dominion in them. Let the Times and Histories in the world be enquired into concerning it.

The first of those Principles, the Light of Nature.

The second
of those Prin-
ciples, the Di-
vine Law.

Exod. 20. and
cap. 32. 15. &c.

Exod. 25. 8, 9,
&c. Levit.
cap. 1, 2, 3, 4, 5,
&c.

Exod. 13. 19.
with *Matth.*
23. 5. &c. vid.
Maimonid. in
Tephil. cap. 4.
§. 3. *Mos.*
Rotscha. fol.
104. fol. 3. &c.
Exod. 23. 13.
Ex. 20. 24.
Levit. 21. 5.
&c.

X. The second also, answerable to this, hath been the Divine Natural Law: And that of both Testaments, both in the Jewish and Christian Church. The Jewish Church was constituted in a national way by God himself; Although diversly, at divers times, and in divers manners, and according to the various condition of it. But yet still God settled it, in respect to the matters of Religion mention'd, so far forth as at any time concerned, either it's present or perpetual occasions as to him, and left the rest to the Chief Magistrate to do *pro tempore*, and according to it's emergent occasions. So, at it's first coming out of *Ægypt*, the Scripture settlements that God gave it were in respect to Doctrines for profession of assent to be made to; he enjoyned them the two Tables of *Moses*, and the several more particular explications of those generals afterwards dispersed throughout the Books of *Moses*: And these were also partly Ceremonial and Positive, as well as Natural. And in respect to the uniforme use of Worship, he enjoyn'd them the service of the Tabernacle, the two Sacraments of Circumcision and the Passe-over, the several perpetual Sabboths and Festivals in *Israel*, and the like: And this was not all, but he took care for the perpetual conservation of these Unities of Profession and Worship in that Society also. He enjoyned his Commandements to be worn in Phylacteries upon their hands, and between their Eyes, as the Doctors construed that Law. He prohibited all partaking in the Worship of the other Nations of the World, nay, the so much as naming their Gods, the making Altars, or using Ceremonies, but like to theirs, and the like. He suffered no Gentile to dwell amongst them, but such an one as was of one of the sorts of Profelites, as they also construed his Law. Nay, they us'd the Proverb concerning them, even in their ordinary Conversation, *vel ad Decimam usque Generationem a Profelytis Cave*, That they were to beware of Profelites even to the tenth Generation. And these and the like things by their Magistrates were continued afterwards to *Israel*, at their settling in *Canaan* in the time of their Temple Service, and the like. If we look into the New-Testament, the Christian Church was not National for some Centuries of years after it's first founding by the Saviour of the World: And the condition of it was to be altogether different from that of the *Jewes* before. And the Scripture Mediums advis'd to generally, for the effecting the unities mentioned, were accordingly, and those under the general notions of mens Coherence as Christians, and the like. And the uniting them also, after those perpetual mediums settled in more particular wayes was left, either to their chief Magistrates or Church-Governours, according as that Church should come to grow, or be settled amongst the Nations afterwards. So our Saviour himself, in the respects mentioned also amongst others, commanded his Disciples to be one. So his Apostles afterwards in their Writings,

Writings, propos'd him the Common Saviour, as the foundation for all to cohere in: So we being many are one Body in Christ, sayes Rom. 12. 5. the Apostle of the Gentiles. And the God of Patience grant you Rom. 15. 5. to be like minded one towards another, according to Christ Jesus. And, but to us there is one God, and one Lord Jesus. And, For by 1 Cor. 8. 6. one spirit we are all Baptized into one Body. And, there is neither 1 Cor. 12. 13. Jew nor Greek, there is neither bond nor free, there is neither male Galat. 3. 28. nor female, for ye are all one in Christ Jesus. And, let the Peace of Colos. 3. 15. God rule in your hearts, to which also ye are called in one Body. And so the whole current of the New Testament runs in this matter. And last of all, endeavouring to keep the unity of the Spirit in the bond of Peace, sayes the great Apostle St. Paul further. And how Eph. 4. 3. so? why, There is one Body, and one Spirit, even as ye are called Ibid. ver. 4. 5. 6. in one hope of your Calling, one Lord, one Faith, one Baptisme, one God and Father of all, who is above all, and through all, and in you all. The Scotch Divines, to Arch-Bishop Spotswood, call these Doctrinals *Septem unitatis vincula, &c.* And which should be so many incentives to Charity and Peace; and so Calvin, and others. But then they can be so only to men in common as Christians. But this is not sufficient to hold them together in their more particular associations. Thus these two Grand Principles then of the Natural and Divine Law have led men to the practise of these Unities mention'd, and so have accordingly dictat'd and approv'd of this Ecclesiastical Uniformity. And if men have oppos'd it at any time, where it hath been just and lawful; it hath been either from their weakneses or corruptions, as hath been mentioned; it hath been either from their ignorance, or Ambition, or Intemperate desire of Liberty, or the like; when men have considered themselves in an absolute notion, and not as members of a Society, of a Christian, or other Church Incorporate into a State.

XI. We come next then (these things being said) to assigne the Practises of men also in this matter: And they will be evident from the principal Instances mentioned to be given in it. And for the assignation of them we will take into consideration, 1. The Ecclesiastical Synods and Councils held in the Christian Church apart by themselves. 2. The several Civil Lawes and Constitutions, both of it and of other Ages and Countries. And the consideration of these things will evidence the consent of Nations also in this matter.

XII. In the first place then, for the Councils; and these we shall find to have been very frequent in the injunction of these matters of an Ecclesiastical Uniformity. We will begin with the first Council held by the Apostles themselves, and mentioned in the Scripture: and in it they, upon a Contest arising, prescrib'd a Body of Doctrines proportionable to the present occasions for Profession of assent and consequent practise to be yeilded to, (*viz.*) That

The practises
of Societies
also Assign'd.

First from the
determinati-
on of Coun-
cels held in
the Christian
Church.
Acts 15. 6.

Verf. 20. 25.

Vid. Canon 38.
 Apud Caran-
 zam, in summâ
 Concil.
 Vid. Can. 15.
 apud Caran-
 zam in summâ
 Concil.
 Vid. Can. 20.
 De fledendo
 Genua. vid.
 Socrat. Hist.
 Ecclesiast. lib. i.
 cap. 5. ibid. vid.
 Vid. Can. 23, 35,
 20, &c. Apud
 Jusell. Codin.
 Canon.
 Vid. Concil.
 Laod. Can. 18.
 & Afric. Can.
 103. & Concil.
 Carthag. 3. Can.
 23. 19 Concil.
 Milen. 2. Can.
 12. vid. Concil.
 Tolet. 4. Can. 2.
 Vid. Concil. To-
 let. 5. Can. 3.
 Concil. Con-
 stantin. p. 6.
 Can. 62.
 Vid. etiam Con-
 cil. Nicen. 2.
 Affionem 7.
 sub fine. Et
 ejusdem Synod.
 Can. 9. Et, La-
 teran. Concil.
 Can. 3. &c.
 apud Caran-
 zam: De Pace inter
 Evangel. pro-
 curandi: &c.
 1637 in princ.
 See the Con-
 fession of
 Faith, &c.
 And the Act
 of the Gene-
 ral Assembly,
 &c. pretac'd
 to it. And the
 Directory,
 and the Ad-
 vice of &c.
 concerning
 Church Go-
 vernment,
 &c. annex'd
 to it.

the converted *Gentile* should abstaine from *Pollutions of Idols*, and from *Blood*, and from *things strangled*, and from *Fornication*. Let us pass on from hence to the *Canons* called the *Apostles*. The thirty eighth Canon appoints Councils to be Celebrated (in those first times of the Christian Church) twice every yeare; *ut Dogmata Pietatis explorent, & emergentes Ecclesiasticas contentiones amoveant*; That they might search into the *Doctrines of Piety*, and more emergent *Ecclesiastical Contentions*. We will go unto the first *Nicene Council*, when the Christian Church began to be National under Famous *Constantine*: And there we have *Seditious*, and *Tumults*, and perturbations in the Church forbidden by a *Disciplinary Canon*: There we have also one *Uniforme Posture of Body*, commanded in *Prayer*, to be observed by all the Churches: There we have also the so well known Word *ὁμοῦς ἰσως* proposed, and enjoyn'd, for all to profess assent to; and the Famous *Nicene Creed*, or *Confession of Faith*, to be subscrib'd to. We will go on further, to the Council of *Antioch*. The first Canon of it is for the *Uniforme Observation of Easter*: And several of the following Canons were shap'd for the cutting off occasions of *Contentions in that Church*. Let us go on to other the like Councils: We shall find, in several, *Forms of Liturgies* appointed to be approv'd of by those Councils, and to be propos'd and enjoyn'd to the Churches. Let us go on to others: We shall find one forme of *singing*, of *Praying*, of using other *Customes and Ceremonies*, and that throughout all the Churches of one and the same Nation; and that also because the *Congregations and Churches* contained in the Nation were all of the same *National Religion*. We shall find also those of divers *Professions* ordained to be prohibited, and the *Feasts and Rites* of the *Gentiles* not to be tolerated, and many other the like *Canons*, in many particulars, tending all to the uniting men to one *Profession*, and to the cutting off occasions of contests in matters of *Religion*, as might be more particularly mention'd. And thus then the Christian Church, as it grew in *Age and Settlement* in divers places, grew on also to further degrees of *Uniformity*. Finally, as it hath been of *Old*, so of *late*: All *Pacificators* would have some kind of *Uniformity* or other. The *Scotch Ministers* themselves, in their *Advice* (mention'd) to *Arch Bishop Spotswood* for the procuring *Peace* in the Church, would have an *Uniformity*. And in *England*, the very *Covenant Synod* at *Westminster* (and they also, as by their *Covenant*, they say, *they were bound*, and in *Conjunction* with the *General Assembly of Scotch Divines* at *Edenburgh*) were for an *Uniformity*: And they intended their *Printed Confession of Faith*, and their *Directory for Publick Worship*, and their *Advice concerning Church Government* to the then *Lords and Commons* sitting in the *Houses of Parliament*, for the effecting that very thing. Thus then hath this *Uniformity* been the com-

mon vote of the Divinity Chaire throughout all Ages in the Christian Church. And he that will see further, may look into the Apostolical Constitutions of *Clemens Romanus*, and many other Ecclesiastical Records and Monuments, that bear witness in this matter.

XIII. Let us come also to the Civil Lawes and Constitutions of Countries in the same matter. And we will begin first with those of *Israel*, in their unparalell'd Theocracy. And God himself appointed in it his several forms both of Doctrine and Worship, as hath been mention'd. Nay, Miracles themselves were not to be believ'd against them, and the establishment of them, as was above mentioned upon another occasion. And they had also their ordinary Ecclesiastical Conventions, and Synods, for the determination of emergent Controversies concerning these things, and the chief Magistrate making use of them to that End: and many more particulars might be mention'd. After *Israel* follow the Civil and Ecclesiastical Lawes and Constitutions of all Nations in like manner, and so far forth as there are Records left concerning them. In the *Affyrian* and *Persian* Monarchies, amongst the *Trojans*, and divers other Nations, we find the mention of their *Country Gods*, peculiar to them severally; and of their Forms of Doctrines, and set Prayers, and Sacrifices, and customary Rites and Ceremonies appropriate to them also: And no wonder, since the dictates of the common Humane Nature alwayes suggested to them these things, for the settling of their Religion in a National way. Amongst the Greeks the like instances are every where to be found also. The *Athenians* were wont to swear by their Twelve Gods (sayes *Aristophanes*) whom they had in special Honour: They had their set Sacrifices, and Services; their Solemn Festivals, and the like, appropriate both to these Gods and others, as is to be seen in the dispersed Testimonies concerning these things up and down in the several Histories, Poets, Orators, and other the like Writers of Greece. And *Plato* in his Books of Lawes, gives us a perfect pattern of an Ecclesiastical Uniformity; and such an one as deserves to be heeded, amongst other things in his Writings. He would have the Sacred Hymns, and Quires; he would have the Festivals, and times of them; he would have the Sacrifices, and the fitting of all these things to them, to be at the appointment of Publick Authority in his Commonweal. He would have no varying in the least from these Prescriptions; no speaking against them, no more then against other Lawes amongst the People; no mixtures of any mans private fancies together with them, or the like, at all to be permitted. And finally, he tells us that these and the like things were according to the Ordinary Constitutions of the Cities of Greece. *In nostris Civitatibus firme omnibus, ut breviter dicam, hoc ita fit.* Let us go on then from the Greeks to the Romans:

Vid. lib. 1.
Const. 6. and
lib. 2. cap. 54.
56. and lib. 3.
cap. 1. 2. and
lib. 7. cap. 34.
35. &c.

Secondly;
from the Civil
and Ecclesiastical
Lawes of Countries.

Hic supra modo
§. 10.
Lib. 1. cap. 2.
§. 14. vid.

Egu. p. 300.
A.

Vid. Dial. 7.
prope med. &
alibi.
Ibid. vid.

Ibid.

Supra lib. i.
cap. 2. § 5.

De Civ. Dei.
lib. 6. cap. 5.

Lib. i.

Vid. C. De
Summarin.
C.

L. Curios. Et
¶ Hanc Le-
g. in sequentes;
vid.

Ibid. L. Nullus
Hæretic. Et

¶ Is iutem.
¶ Qui vero.

And amongst them also still we shall find the like things enjoyned. We have spoken of their City Divinity which was appointed by the Magistrate. And *Tertium Genus est, inquit Varro; quod in Urbibus Cives, maxime Sacerdotes nosse atque administrare oportet. In quo est, quos Deos publice colere, quæ sacra & sacrificia facere quemque par sit,* and the like sayes St. Augustine. That Varro said, that the third kind of Divinity was that which it behov'd the Citizens in their Cities, most of all the Priests, to have knowledg of, and to administer. In which was contain'd what Gods it was fit for every one to worship publicly, what holy Rites to perform, what Sacrifices to offer up. And Dionysius Halicarnassens tells a notable Story of Numa Pompilius at his bringing in of his Prescript of Religion amongst them: That, for the suppressing of Controversies about Opinions, and upon the arising of any such amongst Parties; he appointed that the contesting Parties should be bound to go to the Temple of Faith, and there to swear with certain great Ceremonies upon the Truths of the Points of their Contentions. And briefly, he that will look further, for these matters of an Ecclesiastical Uniformity, into the Roman Writers of all sorts, shall find them every where up and down, though not under the notion of such, dispersed in them. From the Heathens then, let us pass next to the Mahometans, and to the like matters also amongst them. And they have this Uniformity amongst them, and that even to extreams, in their way; as will be mentioned in the places more particularly proper to these matters hereafter. And last of all then, let us recite but some of those numerous Constitutions that have been in the Christian Church concerning the establishment of this Uniformity also, and that both in the former and later times and regiments of Countries. We will begin with the Constitutions of the new Civil Law. In the Code and Novels of Justinian there are infinite of these sorts of particulars. The very first Law in the Code prescribes the Religion of the Empire, and commands Christians to take upon them the name of Catholick, and to account all of other Professions to be mad-men, and Hereticks, and the like. The next Law under the same Title, sets down the Nicene Creed as a Canon of Doctrines to be assented to; and commands them to be excommunicated that embrace it not; and appoints them to be removed from the Cities and Towns. And if we look but a little further, to the Law *Sancimus igitur*, their writings are sentenc'd to be burnt, and the particular Sect of the Nestorians are cast out of the Church and Anathematiz'd, and none are to be found with any of their Books in their hands under pain of death it self: if we look onward, the like particulars we shall find still established. That none speak publicly against the Doctrine established by the Imperial National Synods; That none side with the Nestorians or Eutycbeans; that the Apollinarians be Anathematiz'd, together with others; that the Four Councils

cels (*viz.*) of *Nice*, of the *Imperial City*, of *Ephesus*, and *Calcedon* be received; that no mutations in the least be made in these matters; That the State and Unity of the Churches be preserved that those things be spoken which make for Peace; and that there be made a Regular Uniforme Profession. Let us look to the next Title, we shall still find the like things. Let us look on; and *Letanies* are prohibited to be made by Lay-men; the Church Constitutions and Canonical Sanctions are appointed to be observed, and that to no less degree then the Imperial Civil Laws. Finally, it would be infinite to recite all the Particulars that are dispers'd up and down in the *Code*, to these and the like purposes and intents. He that will may view them. Let us proceed from it to the *Novels*; And there are still the like, and almost the like number of Lawes. In the 38 Constitution the *Arrians* in *Africa* are confiscated, and their goods given to the Churches. An Heretick is prohibited to Baptize, or to bear any Office in the Common-weal, or to have any House of Prayer. In the 42 Constitution *Nestorius*, *Eutyches*, *Arrius*, *Macedonius*, *Eunomius*, and others, are deposed. And the offence of *Anthinus* against the Ecclesiastical Canons is made mention of. And afterwards he is banish'd from the imperial City or any other Great City, that there might be Peace amongst the People, and he might not spread his interdicted Opinions, and the like. If we go on, in the 109 Constitution, all are stiled Heriticks who are not of the Imperial Catholick and Apostolick Church. If we go on still, the four Councils (but now mentioned) are again appointed to be recieved. And if we go on further; it is argued, that if the Civil Lawes, which respect mens outward Security, are to be observ'd; then how much more the Ecclesiastical Canons which respect the health of their Souls? and afterwards, the Peoples not having learnt their Liturgies is taxed: and the like. Finally, many more the like Lawes might be recited. Let us pass then from these Volumes of Lawes, to the *Code of Theodosius*: And that proceeds also in the like manner in these things. Let the Titles, *De his qui super Religione contendunt*; *De Hereticis*; in the 16 Book; and the like in other Books of it be consulted. Let us go on from it to the Body of the Canon Law. In the several parts of the *Decretum*; in the *Sextum*, *Clementines*, and *Extravagants*, up and down, no man will doubt, but that the Roman Uniformity, and the Customes and Lawes of that Church are enjoyn'd. It would be too needlessly tedious to make a particular recital of these matters. Last of all, the like also are the present Lawes of the other Christian Churches abroad in the world. The Canon Law is taught in their Academies, and many of it's Decrees and Constitutions, tending to these things which we have mention'd, are made use of for the regiment of those Churches. The very *Statutes of Geneva* will have no strange or false Opinions, against the Doctrine received, to be admitted;

¶ 1. vid. sub
L. Decere.
Ibid. De Sum.
Tir. L. Nemo
Cleric. m. L.
Cura Salvato-
rem. Ibid. ¶ 4.
Ibid. L. Cum
velimus, ¶
per omnia.
¶ Nullus lra-
que, & alibi.
Ibid. L. Inter
Claros.
¶ Omnes ve-
ro, ¶ & pe-
imus ergo, &c.
L. liquet igitur,
in vesilio Epist.
Papae, vid.
De Sacro-
sanctis Ecclesiis.
De Episcop. &
Cleric. L. Sed
Novo. Ibid. L.
Statuimus.
Ibid. L. Sacra
Canonibus.
Vid. De Eccle-
sia Constitur.
in Africa.
Vid. de deposi-
tione Anthici,
&c. in praef.
Ibid. cap. 12.
Vid. De privi-
legio Domi,
&c. In praefat.
Amb. Coll. 9.
Tir. 14. Const.
131. cap. 1.
Constit. 137.
In praefat.
Ibid. cap. 1.
Lib. 16. Tir.
4. and Tir. 5.

See the Laws
and Statutes
in quarto
pag. 9.
Ibid. vid.

See the Discipline of the Kirk, Edit Anno 1641. & alibi. See in his Life By J. H. p. 188. Lond. 83.

mitted; will not allow of Negligence in coming to Church, to the contempt of the Communion of the Faithful, and the like. And the like Church orders are to be found in the *Corpus Discipline*, and amongst the Low Country Churches, in the Discipline of the Kirk of *Scotland*, and amongst its prescriptions. And finally, in the very humble Petition and advice presented in the late times of usurpation, to *Oliver Cromwel* in *England*, when he was coming towards his desired sitting down in the Throne: In which was proposed a Confession of Faith to be assented to (in matters of Religion) and to be recommended to the People. And thus then all these things will sufficiently evidence, how all mankind hath conspired Universally in it's Laws and Constitutions in Societies, towards this Ecclesiastical Uniformity, and for those intents and ends which we have mention'd.

Last of all, where this Uniformity hath been but in part, or in small measure, the Governours of Societies still, as Controversies have arisen, have been forc'd to come to further degrees of it.

XIV. In the last Place then, this one thing is further observable, that, wheresoever this Uniformity hath been, either but in the Negative and improper part of it, or else but in some small measures of the Positive; there still, according as Controversies in Religion dangerous to the Publick have arisen, Princes have been forc'd to come to further degrees of it. It may be at the first foundings of Religions, or Churches, those Churches have not been capable of any great degrees of it; at least not in the way of National Churches, as was the Case of the Primo-Primitive and Apostolical Christian Church. It may be also otherwise, that, for Causes concerning Civil and Humane Society (which is the foundation of all Religions) Diversities of Professions have been, for a longer or lesser time, to a greater or lesser degree, tolerated in some Countries, as in *Holland*, *Poland*, and other Territories at this day, and through the necessities of their several States. But yet still, and whatsoever Causes there may any where be of the want of the further degrees of this Uniformity; all Governours have been forced to take sanctuary at it, and those further degrees of it, where Religious Controversies have arisen, and for the allaying the furious heats of them, and the begetting a charitative composure amongst men. This was the late Case in the calling the Synod of *Dort* in *Holland*, and as the States themselves acknowledg. And the like other Cases also are every where to be found up and down in other Ages and Countries.

Vid. Praefationem ad Acta Synodi Dortdræ.

C H A P. X.

What are the *Extreams* in respect to this *Ecclesiastical Uniformity*: And what are the *faultinesses* in it.

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| <p>I. THe Extreames in respect to an Ecclesiastical Uniformity distinguished.</p> <p>II. The Extreams of too much looseness assign'd.</p> <p>III. The extreams also of too much strictness assign'd.</p> | <p>IV. The Faultinesses in such an Uniformity assign'd also.</p> <p>V. The first of them.</p> <p>VI. The Second.</p> <p>VII. The Third.</p> <p>VIII. The fourth and last sort of faultinesses:</p> |
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THis only Natural way then of settling Church Affairs amongst men being thus describ'd, and recommended to Practise; let us come next to contradistinguishing it to it's extreams, and to set down the faultinesses which may possibly be in it in any Society. And those extreams (as all other in respect to other matters are) are those that lye on both sides of it (*i. e.*) 1. Those of too much looseness; and 2. Of too much Strictness.

II. First, Those of too much looseness are, 1. The loose open Toleration of venting of Opinions, which hath been heretofore mentioned and avouched to be finally destructive both to Religion and Government, and the consistency of Religion with Government. 2. The way of Governing Church-matters by ballancing of Opinions (*i. e.*) by such an underhand ballancing of them, as hath been heretofore hinted at also: And which, because it partakes not neither in the nature, nor in the drift and ends of an Ecclesiastical Uniformity so as to deserve to be accounted any part of it; therefore we here reckon it as one of these extreams. Besides, the properties of it are, collusion with men in so great matters as those are, in which it pretends an open Toleration, but privately practiseth a restraint; and in like manner also the Princes falsifying his Trust to God by his suffering all common Charity and Peace to be broken; and which he is so much bound by the Divine Law to

The extreams in respect to an Ecclesiastical Uniformity distinguished.

The extreams of too much Looseness Assign'd. Lib. 2. cap. 6. §. 2. and §. 4, 5, 6. &c. Ibid. §. 2.

Deu. 24.11.16.
Ec.

preserve; and by his owning no Profession of Christ in his way before men, but tolerating openly, and ballancing together with other things all manner of Errors, Blasphemies, and Atheisme it self, in his practising the latitude of it; and which things the Judicial or Civil Lawes of *Israel* did, and all Lawes whatsoever of other Societies are bound to prohibit. And lastly, this ballancing of Opinions cannot be artificially manag'd without perpetual difficulty to the Governour; and every dayes danger of sudden eruptions of the more numerous and prevalent party into a Flame. And for these and the like reasons, it is then, That it hath never ordinarily been made use of by settled Governours in any Societies, nor by any others upon pure choise at any time, but only by Innovators in States, and Usurpers of Supreme Authority; That while they were stealing up the more securely to the Helme, they might busie others about picking of their Bones, and ineffably amuse the vulgar.

The Extreme
also of too
much strict-
ness assign'd.
Lib. 2. cap. 6.
§. 6, *Ec.*
Infra, lib. 3.
cap. 3. §. 2, 3
Infra ibid. §.
3. 4, 5, 6, 7.

III. There is one extreame also of too much strictness, on the other hand: and that is the pressing upon men an universal inward unity of Opinion, which, besides that it is impossible to effect for the Reasons above given, and as shall be hereafter mentioned, is not neither a means of it self, for the generating Peace and Charity amongst men. And the Reasons also why it may not be pressed by the Magistrate upon any Society, and how farre forth it may not, shall be given an account of hereafter.

The faultiness
in such an U-
niformity As-
sign'd also.

IV. These extreames then being thus assign'd, we come also to assign the faultiness in such an Uniformity, (*i. e.*) Those *Indebita*, and things taxable in it, by which it may become accidentally hurtful, either to Religion or Government, or the consistency of each with other: And those are,

The first of
them.

V. First of all, when it reacheth not the Governours occasions in any Society, and in respect to the securing his supreme publick right and Charge: For so it ought to do, because it is a means and instrument appointed by God and Nature for the securing of it.

The Second

VI. When the Magistrates Authority pressing such an Uniformity is urged under the Notion of Divine, and his Determination even in all matters whatsoever is by consequence stated formally as the will of God. This is the Assertion of Mr. *Hobbs* of *Malmesbury*, up and down in his *Philosophical Rudiments*, that it should be so. But it consists not with the Divine Law of Christ, wherein it is not revealed, That God hath committed it to any man or Angel ordinarily to prescribe precepts of Religion, but hath reserved that Royalty immediately to himself. Indeed the Chair of *Rome* hath bidden fairly in this matter, by the allegation of an infallibility its being annexed to it. But concerning an infallible Interpreter in Churches; It deserves to be considered whether such a thing

See Domini-
on Cap. 12.
Art. 2.
And Religi-
on Cap. 16. Art.
1, 3, 14, 15, 16,
Ec. And Cap.
12. Art. 17, 18,
Ec.

thing be not for the most part needless in an Ecclesiastical Uniformity, since in the thoughts of knowing men there will be in most things no more unity of Opinion about such Interpretations than others, and also whether it be convenient for the state of Humane Affairs in this World, and that upon several accounts. And if the pretence of it be intended to amuse the vulgar, that is not Honest. But briefly, since the Divine Law of Christ hath not appointed it to any man to prescribe Religious precepts, neither Originally, nor by Interpretation, we must conclude, that it is not so convenient for Humane Societies, that there should be such an infallible interpretation constituted and established in them.

VII. The third sort of faultiness in such an Uniformity is, when it is excessively comprehensive of things press'd in it. And so it may be, 1. *Qualitatively*, 2. *Quantitatively*. 1. *Qualitatively*, (*viz.*) when it comprehends things simply and in themselves wicked and sinful, and proposes and enjoins them either to be believed or practised accordingly. But then this is to be understood of such things as are simply, and in themselves so, as we say; and not of things becoming so by accident. For, because nothing is so good and lawful in it self, but that it may become sinful by accident; and because also Cases in which such things may become so are infinite, and cannot be foreseen by Humane Prudence or Circumspection; therefore it is that Humane Lawes, in the framing of them by the Legislative Authority, have no respect to such things, and as concern'd in the Cases in which they may so become. *Jura Constitui oportet (ut dixit Theophrastus) in iis quæ in toto sæculo accidunt; non in iis quæ in paucis temporibus;* sayes Pomponius in the Civil Law; That Lawes are to be Constituted (as Theophrastus sayd) in those things and Cases which happen out for the most part; and not in those which come to pass but seldome. And Celsus, *ex iis, quæ forte uno aliquo casu accidere possunt, Jura non constituuntur;* That Lawes are not constituted in those matters which may perhaps happen out in one single Case. And the several Cases upon the Lawes are explained and determined by the Doctors accordingly. And lastly, *Plato, dicturus eram nullum unquam hominum aliquid lege sancire, sed fortunas casusq; varios incidentes leges nobis per omnia ferre.* I was about to say that no man at any time doth establish any thing by Law, but that accidents and various chances falling on us do give Law to us in all things. And in Conclusion, *Deum quidem omnia, & fortunam opportunitatemque simul cum Deo cuncta Humana Gubernare:* That God truly doth govern all things, and all Humane Affairs Fortune and Opportunity together with God. 2. *Quantitatively*, when it proposeth and enjoynes a greater number of things indifferent, and as adjuncts of Worship then is convenient. There have been allwayes, and ought to be, and must needs be some Ceremonies in all Churches; in the Jewes, the Heathens, the Christians, and

The Third.

F. De legibus
& Senatui
consulti, &c. L.
Jura Constitui.
Ibid. L. 4.
Vid. D. Si quis
Cautioribus
&c. Bart. in
L. simili modo.
Et D. Mandati
vel contra, in
L. & Aulionis:
item Bartus,
&c. De legibus
Dial. 4 paulo
post prin.
Ibid. post.

Mahometans Churches, and are at this day, as is to be seen in the several Records concerning these things. But then the Ceremonies of Humane Constitution, ought not to be to such a number, in any Church, as to eat up the Divine service it self, and to take up more roome then the immediate Worship of God. In this kind it is that the Uniformity of the Church of *Rome* is so faulty. The Ceremonial Law, as the *Jewes* say themselves, amongst the other Lawes of *Israel*, was never intended by Gods Prescription of it to oblige the Gentiles. And the New Testament, the proper Prescript of the Christian Religion, revers'd it amongst the *Jewes* themselves also. But the *Chair of Rome*, in it's introduction of such a number of Ceremonies into Divine service, pretends the imitation of *Moses*, and that upon the same account of Divine Authority also, although in another kind; but intends really the Reformation of *St. Paul*, and of the Christian Prescript of Religion, which perhaps it thinks consists of too many and too expressly of Doctrinals; but not enough, nor enough expressly of Ceremonials.

The fourth,
and last sort
of faultiness.

VIII. The fourth and last sort of faultiness then in this Ecclesiastical Uniformity is, when it takes away the means of knowledge, and the means of Grace from amongst the People, and such as ought ordinarily to be conceded to them, and are their Natural and Divine Rights, and that in relation to those several ends which have been above mentioned. Such is the practise of the *Mahometan*, in his way of Religion, prohibiting the *Alcoran* to be read by the Common People, and suppressing Universities, and the ordinary use of Books, and the like. *Apud illos sane nullos vidi Typographos, sed Chartam optime parant, sayes Georgieviz; That amongst them he saw no Printers, but they make excellent Paper, and the like.* Such also is the practise of divers Churches of Christians. Of the *Abassines*, *Sacra omnia partim Chaldaeo, partim Ethiopico continentur Idiomite*, sayes *Godignus* That all their Holy Rites are contained partly in the *Chaldee*, partly in the *Ethiopick Dialect*. And *Præter libros divinos, easque quibus continentur Sacra, alii non sunt, nisi quos habent regis opibus præfetti, ut accepti & expensi rationes consent*, sayes he elsewhere: That besides the Books of God, and those in which their Sacred Rites are contained, there are none other; unless it be those which the Emperours Treasurers have for the keeping of their Accounts. And so of the Greek Church, *Omnia enim Sacra eorum lingua Antiqua, neque à Sacerdotibus, neque à populo intellecta peraguntur*, sayes *Chytraeus*: That all their Divine Services are perform'd in the Ancient Tongue, which is not understood neither by the Priests, nor People. And so also amongst the *Russians*: Neither their Priests, nor Bishops making any further use of any kind of Learning; no not of the Scriptures themselves; save to Read, and to Sing them, and their Divine Service, and the like sayes *Fletcher* in his History. And last of all, such also is the Practise of

Rome,

Supra lib. 2. cap. 3. §. 6, 7, 8, &c. Vid. Alcoranum Azara. 13. &c. De Origine Imp. Turc. & De Turc. morib. Epit. cap. 1. De Sacerdotibus eorum. De Abassinor. reb. lib. 1. cap. 22.

Ibid. cap. 12. in fine.

In Literis Wenceslai Budoni. 2. &c. D. Da. vidi Chytraeo, in princip.

Hist. of Russia, vid. cap. 21, circa med. & alibi.

Rome, and of the Churches diversly in her Communion. She commandeth her Liturgies to be celebrated in Latine, and the like unknown tongues. *Etsi missa magnam contineat Populi fidelis eruditionem, non tamen expedire visum est Patribus ut vulgari lingua passim celebraretur*, say the Tridentine Fathers. Although the Mass contain in it much instruction of the faithful people, yet however that it did not seem to be expedient to the Fathers that it should be celebrated up and down in the Churches in the vulgar tongue. And so also, she not permitting the Bible to be read ordinarily by the People, nor by any Laicks, unless they be Licenc'd. Laying hold also, by the Inquisition in Spain, and other places, upon all Bookes in the vulgar tongue, and upon open Discourses and Disputes about Religion, and establishing the Doctrines of implicit Faith, general devotion, blind obedience, and the like.

Concil. Triden.
Sessions 6.
cap. 8.

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CHAP.

C H A P. XI.

From whence the *Just Measures* of an *Ecclesiastical Uniformity* are to be taken. And of the more particular *Rights* and *Liberties* relating to them.

- I. **T**he Rules of distributive Justice assign'd, from whence the Just Measures of an Ecclesiastical Uniformity are to be taken.
- II. The Persons who have the right of framing it accordingly.
- III. When they have used their best Judgement for the doing of it, they have done their duties.
- IV. Certain more particular Rights belonging to them in this matter.
- V. In the interim, obedience is due to them from private Persons.
- VI. And last of all, certain Liberties belonging to those private persons also, in relation to their performance of that Obedience.

The Rules of Distributive Justice assign'd, from whence the just measures of an Ecclesiastical Uniformity are to be taken.

I. **H**aving said these things then, I come here last of all to assert the Just Measures of an Ecclesiastical Uniformity; and from whence they are to be taken. And that is, from it's affording to all their Rights, (*viz.*) those which have been heretofore mentioned, either more generally or more particularly: To God his Right, in it's crossing none of his commands, but assisting to the performance of them: To the Supreme Magistrate his Right; in it's being proportioned to his occasions, and the discharge of his Trust: To the Church Governours also, in their way, their Rights; by it's affording to them the like means of the discharge of their Functions in their several places and capacities: To the private Christian his Right; by it's preserving to him the enjoyment of his Christian Liberty, and the use of his liberty of Conscience and Judgement of discerning: To the Subject also his Right; by it's enjoining nothing upon him but by lawful Legislative Authority: And last of all, to all these their Rights, both mixtly and in their several respects, by it's cutting off occasions of Contentions, and of corrupt wicked mens abusing and invading

invading these Things and Persons severally, to the disorder and destruction of Humane Societies, and the welfare of them. And this is the Golden mean in such an Ecclesiastical Uniformity. And these are the more general Rules of distributive Justice, which are to be observ'd by all Princes and Governours in their due framing of it.

II. The Supreme Governours in any Society have the only Supreme Power and Right of the thus framing this Uniformity: and that more generally and mediately by vertue of their Supreme Power over all, and in relation to their Publick Charge supremely committed to them, and more particularly and immediately, as it is a part of their Indirect Power in Spirituals.

The Persons who have the Right of framing it accordingly.

III. And when they have used their best judgment, and taken their best care about their thus framing of it, they have done their Duties, and discharged their trust in it both to God, Conscience, and their People. And that because their own judgement of discerning, conversant in their own Affairs, is their only ordinary and possible directrix for their proceeding in this matter, as well as in any others. And all lawful Governours in the ranking their Notions concerning the frame and body of Humane Affairs, are supposed, either by themselves or Assistance, to be sufficient for the discharge of their Trust.

When they have used their best Judgement for their doing of it, they have done their duties.

IV. There are certain more particular Rights and Powers which belong to these Governours of Humane Societies, for the retaining of this their more general Right in this matter. But these will be asserted hereafter in the places proper to them.

Certain more particular Rights belonging to them in this matter.

V. In the interim; when by the employment of this Care these Governours have thus once established this their Uniformity, in their several Societies, private Persons are not to intermeddle in their Province, and to the detriment of their Affairs any wayes: But it is left to them either to obey actively; or else not to disobey, but to acquiesce passively: And that also only where there may perhaps be just reason, as to them, for their non-performance of their active obedience, and in no other case whatsoever. And these are the voyces of all Lawes and wise men in this matter. *Legis virtus hæc est, imperare, vetare, permittere, punire*, sayes *Modestinus* the Civilian; That this is the force of a Law, to command, to forbid, to permit, to punish. And *Et ideo, de iis quæ primo constituuntur, aut interpretatione aut constitutione optimi Principis certius statuendum est*, sayes *Julianus*: That therefore in those things which are first of all constituted, we must determine more certainly either by the interpretation or constitution of the most excellent Prince. And *non omnium, quæ a majoribus constituta sunt, ratio reddi potest*: That there cannot be a reason given of all things which are constituted by our Ancestors. And, *Et ideo rationes eorum quæ constituuntur inquiri non oportet: alioqui multa ex iis quæ certa sunt subver-*

In the interim, obedience is due to them from private persons.

D. De legibus, et Senatus consult. L. 6.

Ibid. L. Et ideo.

Et L. Non omnium.

teranter.

Ibid. L. C. ideo
Rationes.

Annal. 3.

terenter; That therefore the reason of those things which are constituted ought not to be asked for; otherwise many of those things which are certain would be subverted, says Neratius. And Tacitus, *principi summum rerum judicium Dii dederunt; subditis obsequii gloria relicta est.* That the Gods have conceded the Supreme Judgment of Affairs to the Prince; and the glory of obedience is left to the Subject. And Gellius, *Media igitur Sententia optima atque tutissima visa est; quædam esse parendum, quædam non obsequendum:* That the middle sort of advice seems to be best and most safe; that, as to some things, we ought to obey, and as to others only not to be so pliant to Obedience. And it is the outcry of Medea in Euripides

In Medea.
'Αναπαύσει.
paulo post princip.

Ὁ μεγάλη Θέμι, ἡ πόλι' Ἀργεῖ
Λέγουσ' αὖ πάρος, μεγάλους ὅρκους
Ἐνδ' ἠνωμεν ἡ κατὰ γένος
Πόσιν ———

O thou great Themis! and venerable Diana!
Ye see what I suffer: Who with great Oaths
Have bound my accursed
Husband ——— And afterwards,

Ibid, paulo
post. Ταυτοί.

*Oportet autem Hospitem valde se accommodare Civitati.
Neque laudo Civem, qui contumax existens
Molestus est Civibus, propter imperitiam, ac insolentiam.*

But it behoves a stranger very much to accommodate himself
to the City.
Neither do I commend a Citizen, who being obstinate
Is troublesome to the Citizens, because of his Ignorance, and
Insolence.

And last of
all, certain li-
berties be-
longing to
those private
persons also,
in relation to
their perfor-
mance of that
Obedience.

VI. Last of all then, there are also certain derivative Latitudes and Liberties which belong to these private Persons in relation to their performance of obedience to these establishments of Princes, and which are their derivative Rights in this matter: But these also shall be more particularly asserted, and unfolded hereafter in the places proper to them.

D E

Jure Uniformitatis Ecclesiasticæ :

OR, OF THE

RIGHTS

Belonging to an

UNIFORMITY in CHURCHES.

BOOK III. CHAP. I.

Of the two *Grand Instruments* of an *Ecclesiastical Uniformity*, (viz.) *A Canon of Doctrines*, and a *Liturgy* framed according to it.

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| <p>I. THe Prescript of the Christian Religion hath been most vexed by Contests : And the greater necessity of an Ecclesiastical Uniformity, and of this work, deduced from it.</p> <p>II. A Canon of Doctrines defined and distinguished.</p> <p>III. The state of the Case concerning its being the Primary and Principal of the two Grand Instruments</p> | <p>in an Uniformity.</p> <p>IV. A Liturgy defined and distinguished also.</p> <p>V. It is convenient, that where a Liturgy is used, there be as few other sorts of Publick Services permitted to accompany it as may be.</p> <p>VI. The Liturgy also ought to be conformed to the Canon of Doctrines.</p> <p>VII. The Heathen, Jewish, and Apostolical Liturgies contested. Ccc VIII.</p> |
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VIII. *The present Liturgies that are abroad in the world.*

IX. *The History of the English Uniformity, and of its Canon of Doctrine and Liturgy.*

X. *Some appendant Questions concerning a Canon of Doctrines and Liturgy re-*

solved.

XI. *The First Question.*

XII. *The Second.*

XIII. *The Third.*

XIV. *The Fourth.*

XV. *The Fifth.*

XVI. *The Sixth.*

XVII. *The seventh and last.*

The prescript of the Christian Religion hath been most vexed by contests. And the greater necessity of an Ecclesiastical Uniformity, and of this work, deduced from it.

1 Cor. 11. 19.

A Canon of Doctrines defined and distinguished.

The state of the case concerning its being the primary and principal of the two grand instruments in an Uniformity.

Lib. 2. Cap. 7.

S. 4.

I. **T**he Prescript of the Christian Religion is the best of any that ever hath been in the World, (*i. e.*) the most consisting of Doctrines, and explicatory of the particular Precepts of the Law of Nature; and consequently, the most perfectly directive of men in their way to Heaven, and as members of Humane Society. And yet (through the weaknesses and corruptions of men) there hath none been the subject of more contentions: Men having wire-drawn the doctrinal Texts of it, and every Sect and Heresie having suted them to their own turns, and all having applyed that and the like Texts of the Apostle to their times, and in respect to their Opinions, and the opposers of them, that there must also be heresies amongst you, that they which are approved may be made manifest among you: Which things shew the greater necessity of an Ecclesiastical Uniformity in the Christian Church, and of this work, for the explicating and unfolding of it, and the rights belonging to it. I come then here in this third and last Book to treat more particularly of that Uniformity, and that in a special manner of the two grand instruments of it, (*viz.*) a Canon of Doctrines, and a Liturgy framed according to it.

FI. And, first of all, that which is meant here by a Canon of Doctrines, is, a Rule or Standard of Doctrines, exhibited and propounded for profession of assent to be made to, in any Church. And such a Canon is either written, or else unwritten and traditional. And the written is either Systematical, and collected unto one body of Doctrines, or else diffused and dispersed amongst other things. And either of these may be either Humane or Divine: The Humane is that which is exhibited and propounded as such by Humane Authority; the Divine, by Divine Authority.

III. This Canon of Doctrine is the primary and principal of these two grand Instruments of an Uniformity. And, in our stating of it so, we mean it also principally and ordinarily of a written, Systematical, and Humane Canon, and not of the contrary. And that

that 'because the traditional sort of Doctrines are less ordinarily found in Churches, as hath been heretofore mentioned ; and also because the Systematical Humane Canon, is the only Natural way for the procuring positive Peace and Charity in matters contested, as hath been hinted also, and shall hereafter be more expressly asserted. It is true, that it were better that their serving one and the same God, or any the like fundamental single Doctrine (if it might be) and although not with the allowance of salvation perhaps to one another from him) were a foundation for a *medium* of charitative communion betwixt *Turk* and *Jew* inhabiting in the same Neighbour-hood of *Amsterdam*, or any the like part of a Society, then that all Peace and Charity in matters of Religion should be utterly broken : But where there is a National Church, and where the Governour would procure any sort of positive Charity, either Christian or common, and any tolerable degree and measure of it amongst his People, he must come to a more large and Systematical Canon of Doctrines.

IV. We come then to define also what we mean by a Liturgy, the second of these main instruments in this Uniformity. And, by the use and customary application of the word, in this Case, That which is vulgarly meant by it also, is more generally, any publick form of Divine Service, and more specially and particularly such a publick form of Prayer to be used in Divine Service, and at the several occasions of it. And so, that which prescribes the matter only of the Publick Divine Service, is called a Directory ; and that which prescribes the Form also a Liturgy ; and that which is bounded by the prescription of neither, is purely an extemporary service.

A Liturgy defined, and distinguished also.

V. It is convenient, that where there is a stated Liturgy made use of in any Church, there be as few other sorts of Services, either extemporary or directive permitted, as may be : And that not only because those other sorts of Services accompanying it, should not come into competition with the Authorized Liturgy, in the wild esteem of the people ; but also for many other Reasons which might be mentioned. And this is to be construed more principally of services of the same kind, and less principally also of Services of divers kinds. The Church of *England* in this case, hath contented her self, *ad minimum*, with the prescription of a Directory in the particular of Publick Prayer before the Sermon, and with advice, that it should be performed as briefly as conveniently may be. And the like have been the constitutions in other Churches.

It is convenient that where a Liturgy is used, there be as few other sorts of publick Services permitted to accompany it as may be.

See the Constitutions and Canons Ecclesiastical.

VI. The Liturgy also in any Church ought to be composed and framed according to the mind and tenour of the Canon of Doctrines. And that because it is one Office of such a Liturgy, in an Ecclesiastical Uniformity, to exhibit to the people the doctrine taught in any National Church, and by its so doing to instruct them,

The Liturgy also ought to be conformed to the Canon of Doctrines.

from their ordinary use of it, in those Doctrines of the Christian Religion.

The Heathen,
Jewish and
Apostolical
Liturgies
contested.

VII. Amongst the several instruments of the Uniformities that have been heretofore in the world, the Liturgies of all the three first Celebrated professions of Religion have been more especially contested: And that the Heathen Liturgies in their circumstantial, but the Jewish and Apostolical Liturgies of the Christian Church, in the substance and very being of them. As to the Heathen Liturgies, it hath been alledged, that they ought not to be accounted of as exemplary to Christians: But the allegation hath err'd, *in sensu composito*; for although it be true that they ought not to be accounted of as such *Quatenus* Heathen Liturgies, yet it doth not follow, but that however, and the light of Nature upon the grounds heretofore mentioned warranting it, they ought to be accounted of as such *Quatenus* Liturgies. But the Jewish and Apostolical Liturgies have born the principal brunt of the contest. As to the Jewish State, the occasions of it were two-fold; either Eternal or Temporary. The Eternal were in relation to its defence against Heathenism, and the Nations of that Profession round about it. The temporary in this case were in relation to Domestick Schismes, and the mischiefs accruing to the publick from them. And the constitutions in it concerning both these, were either Divine or Humane. As to its Eternal occasions, and the serving of them, I look upon the first Table of *Moses*, as evidently directing to a Canon of Doctrines. And as to its temporary occasions, and the serving of them, I look upon the Scriptural Temple-Service, and the like prescript forms of Ceremonials in any of their times, as standing in one part of the place of a Liturgy. And these were the apparent Divine Constitutions concerning these matters. But if it be enquired farther and more particularly, either what were the Divine or Humane Constitutions, either concerning the temporary or eternal occasions of *Israel*, either as to its Temple or Synagogue Service; in most things it is very hard certainly to determine. That God approved of a form of Prayer as lawful in *Israel*, it is evident from the customary Prayer of *Moses* (*Num. 10. 35, 36.*) at the setting forward and resting of the Ark; and from many other particulars which might be mentioned. And that there were forms of singing, and of other Services used, both in the Temple, and in the Synagogues, it is evident, both from the ordinary use of *Dauids* Psalmes, and of the Hymnes of *Asaph* the Seer as such (see *2 Chron. 29. 30.*) and from the stated Sections and Lectures of the Law, noted in the Hebrew Text, and appointed to be read in the Synagogues by course upon every Sabbath throughout the year; and from other particulars also which might be mention'd. And but that there was a Liturgy, taken in a special sence, in use also, (*i. e.*) some body of set forms of Prayer appropriated to both these sorts of

of services, there is no reason in the world to doubt of it. But that God should compose and constitute such a Liturgy at the first founding of the other Laws of that Society, and with injunction of it upon future Ages, it could not rationally be expected, the variety of occasions of that Society being considered, and which such a Liturgy was temporarily to be stinted to. And however, because such his composing and constituting of it, or any part of it, is not mentioned in Scripture, nor in any other Humane Records of that Church that are extant, and perhaps of such certainty as may be required, it is no Argument at all, that therefore there was never such a one, or so constituted. That there should be Synagogues in all the particular Parishes, and lesser Divisions in *Israel*, who will doubt but that it was approved of by God: But yet we find no mention of them in Scripture, and as constituted by any Divine Law: What wonder then if not of the Liturgies to be used in them? The sum of all is, That the Records of that Church, both Humane and Divine, are in part at least lost and defective: The Divine, although not as to fundamentals of Religion, yet as to many other things; and the providence of God is acknowledged, in the mean time, to be sufficiently salv'd by the assertion: And the Humane almost totally, and in every part of them. And so then we must be content to acquiesce in Rabbinical traditions, and things of the like credit, and in that number of them that is to be found extant also. The like almost is the condition of the first Ages of the Christian Church: There are but very few Records of its Affairs of those times remaining. That the Apostles constituted Liturgies, there is reason to believe, although theirs were not National Churches, but yet not with injunction of them neither upon future Ages. That the Creed commonly called the Apostles, was framed for general assent, and profession of assent also to be made to it, we have it from the general fame and tradition of the Christian Churches. And that a form of Prayer was approved of, it is evident from the use of such by *Christ* himself in his Agony, and from his teaching his own Prayer to his Apostles as a form; and concerning some of the petitions of which, some Criticks say, and not improbably, that he deriv'd them from some publick forms then extant amongst the Jews: And divers other things might be mentioned. But still, and all these things being considered, we do not see any reason at all for any absolute denial of the being of Liturgies, either in the Jewish or Apostolical Christian Churches.

Mat. 26. 44.
Luke 11. 2.

VIII. In the interim, we come to the assignation of the present Liturgies that are abroad in the World. And as the Canons of Doctrines every where are actually conceded; so they are supposed to be conceded, since there is no being for any such thing as Religion in any Church without some one sort of Canon, or other of those that have been mentioned necessarily co-existent with it;

The present
Liturgies that
are abroad in
the world.

and since there is no being for any positive peace and charity in matters of Religion ordinarily, without such a Systematical Canon, as hath been mentioned also; and that also established either tacitly or expressly by the Authority of the Superiour. Liturgy then (taken either in a general or special sense) is dispers'd at present over the whole face of the Earth. Amongst the *Gentues* or *Gentiles*, the Eastern Histories relate its being made use of every where. Amongst the Jews also it is used in like manner, as is evident from the Editions of their Publick Prayers in Hebrew, Printed by themselves both at *Venice* and in *Polonia*; and as is recorded by *Manasse Ben Israel*, late in *England*, and by divers others. The like also is amongst the *Mahumetans*, and is testified to by *Georgieviz*, *Leunclavius*, and others. And lastly, and in a more special manner, the like is in use every where in the Christian Churches. We will begin with the *Abassines*, or *Æthiopian* Christians: And their confession of Faith, and forms of Prayer, and of other publick services, are recited by *Danianus a Goes*, *Godignus*, and others. Let us go on from them to the Churches in *Asia*; and as to them, the forms of Doctrines and Liturgies of the *Syrians*, *Georgians*, *Armenians*, *Nestorians*, *Jacobites*, and others, are recited by *Chytraeus*, in his Oration after his Return out of *Austria*; and by the several Authors mentioned by *Mr. Brerewood*, to that purpose, and others. Let us proceed from them to the other part of the Christian Churches, lately extant in the *West Indies*: And we may expect them to be conformed to the *Roman* or other Professions who have subjected them to them. And last of all, let us come into *Europe*, and particularize these matters of the Christian Churches there: And first, in the *Roman* Church, and the Dominions and Territories of Princes holding communion with it; and so far forth as their affairs severally will permit, we need not doubt of the existence of suitable forms of Doctrines, and Liturgies framed according to them. So in the several Principalities of *Italy*, in the *Romish* parts of the *Empire*; in the Kingdoms of *Spain* and *Portugal*, and the like. Next to that follows the *Greek* Church to be considered; That is to say, the Christian Churches now remaining in *Greece*, and the Territories of that Communion adjacent and belonging to it: And we are assured of their *Horologies*, *Liturgies*, *Letanies*, *Masses*, and the like, and of their Doctrines according to which these things are framed by *Chytraeus*, and others. Next to them let us pass on to the *Russe* Church, it holding communion for the most part with them: And their Doctrines, and Liturgical forms are described also by *Fletcher*, *Paulus Oederborinus*, and others. And, last of all, let us come to the more North-West Churches, called *Protestant*: And in them also, even in those of them that have separated farthest from the Church of *Rome*, we shall find, according to the several proportions which their affairs bear

In his *Vindictæ*
Judeorum. § 3
De Turcar. Ritu
Eccl. C. De tem-
pli seu Mes-
chitis eorum.
Pandect. Hist.
Turc. C. gradus
Legis. Eccl. Et
C. Cudsimubar.
Eccl. p. 243. &
431. in Quæto;
De Æthiopum
morib. in Con-
fess. Zagazabo.
passim.
De Abassinor.
Rebus Lib. 1.
Cap. 22. & a.
libi.
Vid. Orat. cum
post reditum ex
Austria, &c.
circ. med.

In his enqui-
ries of the di-
vers sorts &
sects of Chri-
stians, &c. and
of the several
Languages
wherein the
Liturgies, &c.
passim.

In Oratione post
reditum ex Au-
stria, &c. in
princip.

In his Hist. of
Russia. Cap.
22, 23, &c.
De Russorum
Religione. in
Epist. ad D.
Chytræ.

bear to them, these things. So in the Church of *Geneva*, *The Laws and Statutes* appoint their Evangelical Ministers to protest to receive and retain the Doctrines approved in the Church, before they be admitted to the Ministry. And in the Oath taken by them before the *Syndiques* and *Council*, they are obliged to *conserve and keep the Unity and Concord of Doctrine*; and, if any differences therein happen, to refer them finally to the Magistrate, and the like. And although they prescribe a Directory onely (both for their Church and Family Prayers) in some particulars, and as expecting by that sufficiently to provide for the Peace of their Little Territories, yet of necessity they prescribe a form in other particulars; and they no where declare against the use of Liturgy by other Churches. The like is to be observed in the Churches of the *Low Countries*, the Ministers are appointed to subscribe *The confession of Faith, and the Catechism used and authorized in the Reformed Churches of the United Provinces*, and also the doctrinal Decrees of the Synod of Dordrecht, in the Year 1619, and to submit themselves to the Synod. And the *Corpus Disciplina* sets down also their directive prescriptions for the celebrating of Divine Service; and the forms of Prayer, and of other things, for the administration of Baptism, and the performance of other Offices in the Church. The like to these things also were those said to be presented to the High Court of Parliament for the Reforming of the Church of *Scotland* not long since. In the pattern of Reformation, was set down the confession of Faith, used in the *English* Congregation at *Geneva*, to be assented to; and the prescript forms of Common Prayer, and of other things, to be used in the Publick Divine Service. And the like things are to be observed in the publication of the Doctrine and Discipline of the same Kirk. *Curiosity of bringing in strange Doctrine is to be noted*, and the like. And last of all, the like things are in use in the present Church of *England*. The Canon of Doctrine in that Church, is that body of Doctrines which is ordinarily called *the nine and thirty Articles*, and the Liturgy is framed according to it.

IX. The History of the *English* Uniformity, and of its Canon of Doctrines and Liturgy, is here worthy the noting briefly, and by those that will the better understand the affairs of it. The present Uniformity for the most part of it was at first set up by godly, able, and impartial men in the time of *King Edward the sixth*. And they had this advantage at their then departing from the Uniformity of the Church of *Rome*, That the Publick Affairs of the Kingdome, and the present state of them, did permit their fixing in a mean, and betwixt the extremes in this matter: And they endeavour'd it accordingly, and have left their posterity to Glory in it to this day. They were the words of a *King*, who suffered Martyrdom in the defence of the *English* Church, and the Religion establish'd in it, and

See the Laws and Statutes in Princip.

Ibid. Paulopost & p. 9. sub Tir. Here followeth the persons, &c.

Ibid. in fine. In the third Proclamation.

Ibid. sub Tir. The order which ought, &c.

See the *Corpus Disciplina*: Cap. I. in princip. Cap. 4. in princip.

Postea p. 12, 13, 14, &c.

See the Reformation of the Discipline and service of the Church, &c. Edit. London, 1643.

Printed by Robert Young, Anno 1641. See the first Book of Discipline, for prophesying, &c. & alibi.

The History of the *English* Uniformity, and of its Canon of Doctrines and Liturgy.

See the Preface to Rogers on the 39. Articles.

See his Letter
to the Prince
of Wales.

Re-printed in
the year, 1641.
& Vid. p. 42.

Vid. passim.
And first published, Anno
1575. and re-
printed, 1642.
See the first
and second
Admonitions.
Anno 1573.
Supra Lib. 2.
Cap. 1. §. 6, 7,
8, 9.
The Authors
of them being
Imprisoned.
See the Ad-
monitions, &
Answer.
See his modest
and reason-
able Exami-
nation, &c.
Cap. 1. p. 21.
&c.
See Mr. Sprin-
gall's Answer
to the Prince
of Wales, p.
173. and his
Reply annex-
ed. p. 259.

left this Advice and Testimony behind him to his present *Royal Successour in the Throne*; I have tryed it, and after much search and many disputes, have concluded it to be the best in the world, not only in the community as Christian, but also in the special Notion, as reformed, keeping the middle way between the pomp of superstitious Tyranny, and the meanness of phantastick Anarchy. And many the like Testimonies in this matter of meaner persons might be added. After the days of *Edward the sixth*, and in the time of *Queen Mary*, this Uniformity being intermitted, at the coming of *Queen Elizabeth* to the Throne, it was again revived and promoted. In her dayes first began the Domestick oppositions of some of those of the Reformed Profession to be made against it: And they quickly were made Popular; and the Effects of them are felt to this very day. The Grand Posts of Controversie have been, *the Episcopacy, the Liturgy, and the Ceremonies*: And the two latter, it is evident, in order to the subversion of the former. And the Original of those oppositions made against them is judged by wise men to have proceeded from impressions received abroad by some of *Queen Maries* Exiles, and especially at *Geneva*. So sayes the wise and moderate Discourse, said to be the *Lord Bacon's*: *The fourth and last occasion*, sayes he, *of these Controversies, is the partial affectation and imitation of Forraign Churches*. For many of our men, during the time of Persecution, and since, having been conversant in Churches abroad, and received a great impression of the Government there Ordained, have violently sought to intrude the same upon our Church, &c. And the History of these mens Conversation abroad is to be seen much of it in the Book called, *The Troubles at Frankford*. These Oppositions then being thus once made, and made popular, innumerable Pamphlets, in the said Queens dayes, flew about: And amongst others, those of the greatest note were the two *Admonitions to the Parliament*. The Fallacies, and other faults of the first of which, were discovered by *Dr. Whitgift* in his Printed Answer to it. And all these things being thus on foot, the ordinary causes of such Religious contests, (heretofore in this Discourse mentioned) must needs be supposed to work together with them on both sides, (*viz.*) the Vulgars mistakes in Religion, the collision of passions (like Flints striking fire out of one another) the mixture of worldly interests; and the like; and the weakneses and corruptions of men were the oyl to all these flames. Till the dayes of *King James*, then these oppositions still grew on. The opponents admonitions had been rejected before by *Queen Elizabeth's* Parliament; the fallacies of them (as is said) discovered; their making their Discipline a third Note of a Church derided with anger, by *Dr. Covell*, and others, and the like. And in the King's time, they were further told, That *Omnis mutatio periculosa, & plena scandalis*: That, the least change, as things stood, was dangerous,

gerous, and would be full of scandal to Authority, and the like. And the King himself had a conference with some of the heads of them at Hampton Court. And certainly it will always hold true, That, things settled by the deep and deliberate considerations of former times, although the bottom Reasons of them may not presently appear to all, are not to be easily altered. Last of all, in the time of *King Charles the First*, the opponents were still further told in Parliament, that their Discipline would not consist with Monarchy; That Episcopacy, being at least lawful, there was no reason for its being abolished, and the like. But all this, and the *English* Uniformity its having passed the Test of so many Kings, Parliaments, Councils, Convocations, &c. would not suffice. Till at last, the people having been all this while tamper'd with by the Opponents, and put into a disposition to Sedition and War; from these Religious contests sprang Rising in Armes, and the confusions and miseries following upon it. And at last, when that Heroick *Martyr King* himself told the Opponents, that the abolishing of Episcopacy was against his Coronation Oath, and the like, yet all this would not suffice. Which of the opponents, in these heats, were led by principles of Conscience. and which not, the searcher of hearts knows. But thus still hath the present, and at first well settled *English* Uniformity passed the Test, and been Established, and Authority hath claimed its undoubted Right of the establishing of it. And it is pity, that a Church so well and temperately settled should be disturb'd. The like to this of the Uniformity in the general hath been the more particular History of the Canon of Doctrines also and Liturgy, both as to the original and traduction of them. The Canon of Doctrine, for the most part of it, was contrived and composed also in the time of *King Edward the sixth*, and by the advice of his Divines, and at the special instances and instigation of the Holy and Reverend Arch-Bishop *Cranmer*, who afterward sealed it with his blood. Afterwards it was revised and somewhat augmented in the dayes of *Queen Elizabeth*, and allowed of again by a Convocation in the Year 1562. and afterwards confirmed by Act of Parliament, and subscription was required to it in the Year 1571. As also it hath been ever since. The first Admonition to the Parliament in *Queen Elizabeths* dayes approved of the doctrinal part of it in the maine, though not in the Disciplinary. But yet the Doctrinal part hath not wholly escaped the shot neither. By the first dissenters mentioned, it was taxed favourably, and but in a point or two. By others afterwards in more things, and with greater severity: Partly by a rigid Interpretation of Phrases, partly by a flat contradiction of Doctrine. And by others since, as being in many things doubtful and defective. But the truth is, the frame and composition of it is very cautious and wary: and it includes an ordinary competent and sufficient number of Doctrines

See the Conference at Hampton Court.

See the Lord Digbys speech in the house of Commons, Anno 1641.

See *ΕΙΣΑΓΩΓΗ* ΕΞΑΡΧΟΥ, and his Answers to the Ministers in the Isle of Wight.

See the Preface to Rogers his 39 Articles. See Rogers, *Ibid.* p. 4 *Ibid.* p. 5. and the Statutes 13. Eliz.

See the first Admonition; second part, Art. 3. See first Admonition, *Ib.* See a part of the Register. A brief Answer to the principal points, &c.

for the preserving the purity of Religion and Peace of any Church: And in some particulars, relating to these things, it will be instanc'd in, as it falls in the way hereafter. Last of all, we come to the Liturgy, which is of the same original date together with the Uniformity it self; and hath for the most part passed the Times and former Tests together with it; and is compos'd of ancient forms us'd in the Primitive Church; and containeth the several sorts of things which are pertinent to the variety of Christian occasions, (*viz.*) Texts of Scripture, exhortations to Repentance, Prayers, Hymnes, Psalms, Lessons, Doxologies, Creeds, Thanks-givings, and the like. And the Reasons and Intents of all which, dispersed throughout the several parts and Offices of it, may be seen in the writings of those that have given an account of them formerly; and of late Queen *Maries* Martyrs dyed in defence of it, amongst other things. It was defended zealously by one part of the then Exiles at *Frankford*, while oppos'd by the other. It hath been approv'd

See a defence
of the Litur-
gy. Edit. Lond.
1630. & alibi.

See the troubles
at *Frankford*,
p. 16, 19,
23, 223, &c.
See *Cassander*
Anglicanus,
p. 123. &c.

And the view
of the new
Directory,
(said to be Dr.
Hammonds)

p. 17, 79, &c.
See *Smeddymus*,
Sect. 2.

Quæst. 1. &c.
The sober &
temperate
discourse,
Chap. 8, 9, 11,
12, &c.

See certaine
considerations,
&c. said
to be the Lord
Bacons, in

Quarto p. 23.
See, A view of
the New Di-
rectory, &c.
The Preface,
§. 3.

Some appen-
dant Quest-
ions concern-
ing a Canon
of Doctrines,
and Liturgy,
resolv'd.

of openly by several late Learned men of other Reformed Churches. There are amongst others, two more solemn collections made of the Objections against it; most of them being old Objections new dressed: And the one of those Collections being entituled, *Smeddymus*, made in the heats just preceding the late Civil Wars; and the other, *the sober and temperate Discourse*, made in the first nick of expectation of a late Toleration since his present Majesties Happy Return. The most of the Objections are not of that weight as to deserve any staid consideration; and all of them (being weigh'd according to the Rules and Laws of an Ecclesiastical Uniformity) are, I think, evidently invalid. I will end this Narration with the verdicts of two Learned men to this purpose; The one a great States-man in his time, and the other as able a Church-man in his; The one is the Lord *Bacon*, and the other the late Dr. *Hammond*: The Lord *Bacons* Verdict is this; *For the particular exceptions to the Liturgy, in form as now it stands, I think divers of them, allowing they were just, yet seem they not to be weighty, otherwise then that nothing ought to be accounted light in matters of Religion.* The Doctor's is this; *Ever since the reproaches of men, says he, have taken confidence to vent themselves against this Book, there hath nothing but Aire and Vapour been vomited out against it: Objections of little force to conclude any thing, but only the resolute Contumacious either ignorance or malice of the Objectors.*

X. These things being thus more particularly said, we come here again to expatiate into the general; and in the last place to subjoyn several *Questiones* concerning the two grand Instruments of an Uniformity as such: And the resolution of which belongs, either more expressly or implicitly, to the things already mentioned concerning them.

XI. In the first place then, the first of them is, *Whether a traditional and more ceremonial, or else a written and more doctrinal prescript of Religion be in its self least subject to popular contests?* And as to it, it is answered affirmatively, concerning the former of these; That it is, in it self, least subject to be popularly contested. And the reasons of it are, because a *Traditional* Prescript is more remote from the peoples view, and so far forth as it is *Ceremonial*, but secondarily and mediately doctrinal. But then it is purely at the good pleasure of God, whether he will constitute such an one for his prescript of the True Religion, or not, and when such an one is constituted by men, it is but a double Artifice. And God, because the Light of the Gospel, and the encrease of Knowledge under it, was to be displayed, hath constituted the Christian prescript almost totally *Doctrinal*: And, writings being the more certain way for the conservation of things, he hath constituted his prescript also perpetually written; And hath left it to Humane Prudence, *pro hic & nunc*, and according to the divers occasions of Societies, to secure it from noxious vulgar contestations by the Laws of an Ecclesiastical Uniformity.

The first Question.

XII. The second *Question* is, whether *the Scripture, the Original Divine Canon, be not sufficient, and such, as in its place, for the attaining the ends of an Ecclesiastical Uniformity?* The answer is, No. And yet it detracts not at all from the Honour of the Scripture, but only argues the weakness of men amongst whom it hath its being. For the Christian Scripture being large, and full of many and dispersed, and diversly cloathed assertions concerning the same things, it is evident that it wants a skilful and industrious explication: Or else we will put the case in common concerning any pretendedly *Original Divine Canon*, as well as it, constituted in any Society whatsoever. And still it will hold, that when controversies arise concerning it, a *living Judge* with his *Humane systematical Canon*, is the onely natural way for the ordinary composing of them.

The Second.

XIII. We come to the Third *Question*; and that is, whether *the same specifical Ordinances only, and extemporary Publick Services; or else however the performance of the the Publick Divine Services in any National Church in the way of Directory, may not be, in some sort, sufficient for the preservation of the Publick Peace in that Church?* The answer is, Yes: But not so sufficient as a Liturgy. For, as was said above in the Question of the like nature concerning varieties of *Communion*s as to some things permitted in any Church; so here also it is to be said, That either under a *Directory*, or *extemporary Publick Services*, the people will lye more open and ready either to fall into any sort of Religious Factions of themselves, or else to be led into them by others. And, all Governours being bound to use all lawful means for the procuring of as much Peace and Christian Charity as may be amongst their people;

The Third.

Lib. 2. Cap. 7. §. 14.

and a Liturgy being none of the extreams in an Ecclesiastical Uniformity, but in the vulgar tongue being in it self lawful, there is no reason in the world, but that it should take place where it may, and where the Publick Affairs will bear it, before either of the two other sorts of Services.

The Fourth.

XIV. The fourth appendant *Question* is, whether a *Liturgy* do not transgress the Rules of Scripture Constitutions, in hindring and laying a restraint upon the use of Spiritual Gifts to be exercised in publick by the Ministers, or Spiritual Conducts in the performance of Divine Service in any Christian Church? The answer to it also is, No. And the state of this case is this.

1. The Supream Magistrate, in any Society, hath in the general the power over the use of the *Gifts* of all Spiritual Persons in Publick: And it is one particular part of his *Indirect Power in Spirituals*; and necessary also to the preservation of the welfare of his Supream Publick Charge. Since it is evident, both in it self, and from the experience of all Ages, that by the undue use of those *Gifts*, if it be permitted, either Religion or Government, or the consistency of Religion with Government, may be ruin'd in any Society. And upon these accounts it is, that this Power of restraint over the use of these *Gifts* hath been ever claim'd; and made use of by all Princes accordingly: And he that shall deny it them, shall deny them the means to the end.

In Loc.

2. The Scriptural end of the use of all such *Gifts*, is, for the publick good and edification of the Church: For so sayes St. Paul, 1 Cor. 12. 7. *But the manifestation of the Spirit is given to every man to profit withall* (i. e.) *ut Ecclesia fructum inde percipiat*, says Calvin, and so others.

3. The *Gifts* here principally concern'd, and of which the use is to be made, are those of *Knowledge*, *Invention*, and *Elocution*. And if these are made use of, either in *Extemporary* or *Directorial* Services; so are they made use of also in the use of a Liturgy. The *Knowledge*, *Wisdom*, and *Invention* of those that compos'd it, in the composition of it; and the *Elocution* of him that is employed in the use of it, in that his actual using of it.

The immediate effects of the use of these Ministerial *Gifts* in a Christian Church, are either ordinary and natural, or else extraordinary and supernatural. The ordinary are the generating of Natural knowledge and affections in others; the extraordinary, the opposite. And if the generating these extraordinary effects of *Sanctification* may be expected to accompany the use of either of the two sorts of the mentioned services: so also it may be expected to accompany the due use of a Liturgy, and that at least in an equal manner, for ought appears either from the Divine or Natural Law, either from any general or particular precepts of them, or any promise of God annexed to them; especially it being considered, how much

much the use of a Liturgy tends to the excluding of Schisms and Heresies, and to the generating of Christian Unity, and Charity, and Peace, (which are the consequential effects of such an use of it) more at least then the use either of a *Director*y, or *Extemporary Service* doth.

5. And Lastly, the conclusion in this matter then is evident from these positions and comparisons of things; That the use of Ministerial *Spiritual Gifts* in the way of a Liturgy (all things being considered which belong to the Case) may be expected to be of more benefit to any Church, and the Community in it, then the use of those gifts in the other ways mentioned. The complaints then in this matter are unjust, That by the use of a Liturgy in a Church, men are abridg'd of their Christian Liberty (a part of which the use of mens gifts in Publick is not; but it is one sort of outward actions.) And so also, that the free use of their gifts is restrained, and the like. It is true, variety and novelty delight Humane Nature: And, the more remote from Forms, Publick Services in Religion are, the more, upon those accounts, they are apt to take the vulgar, and to seem, diversly, to them as *Lovely Songs*, and the like: And therefore they are the fitter Instruments for any Heresiark to make use of. But he that will either settle a Church in the capacity of a Governour, or else state his Case of Conscience aright in this matter in the capacity of a private person, must consider the consequences of these things.

XV. The like to this also is the *Question*, Whether a Liturgy The Fifth. may be used with so much attention of mind, and equal degrees of affection, as a *Director*ical, or *Extemporary Service*? But the *Question* is not rightly put, to argue the simple unlawfulness of a Liturgy: For,

1. Which of these two sorts of Services, either *Liturgical*, or *Non-Liturgical* may be attended at any time, with the greater degrees of these things, it is uncertaine, according to mens several degrees of endowment with those spiritual gifts we mentioned just now. If their invention of matter and elocution be so prompt, as that it doth not take up their minds more then either the reading or the saying of a Liturgy by heart (perhaps after a frequent and continued use of it) then a *Non-Liturgical Service* may exceed, otherwise not. And as to the phrase of a Liturgy in this matter, and its being Spiritual: In some places it ought to attend comprehension of sense, and Doctrinals, and Gravity and solemne weightinesse of phrase (to poise the mind in the use of it) as well as altogether that which is affectionate, or may be deemed Spiritual. So the *English Liturgy* doth; And so doth even the Scripture it self. And last of all, if the imployment of the mind may be supposed to be *more Spiritual*, and *within its*

self in the use of a *Non-Liturgical*, then of a *Liturgical* Service; it returns to this, That in a *Non-Liturgical* Service the Invention, as it were, hunts out for some present either phrase or matter, which the eye hath formerly read; and in a Liturgy the apprehension attends upon either the eyes present reading, or the heart and memories present dictating to it. And so, what advantage may be from hence, except on the Liturgies part, we do not see. It is true, men are apt not to be so mindful of their imploying their affections and attention of mind in the use of a Liturgy, as in Services, where the faculty of invention is necessarily put upon action: But then that is their own fault, and not the fault of the Liturgy.

2. But we will suppose the Concession of Liturgies not being, in the simple use of it, so capable of these things. And yet however this doth not conclude rightly for the either unlawfulness, or so much as inconveniency of a Liturgy: Since all this, and a great deal more, will be abundantly recompensed to any Church by its being in its self such a means of Unity and Peace, as hath been mentioned: So that thus then, and notwithstanding these exceptions to be made against it, it doth not follow, but that a Canon of Doctrines and Liturgy, and in that kind of them and manner, as they are here asserted by us, are the two grand instruments of an Ecclesiastical Uniformity: And that a Liturgy, *Secundum debitum Rationis*, and where affairs will permit, is in its self to be preferred before either a *Directory*, or *Extemporary Services*. We come then but to two more *Questions* or *Queries*, secondarily concerning these things, and so we shall conclude this Chapter.

The Sixth.

Lib. 2. Cap.
ult. §. 1.

XVI. The sixth then, and first of these *Questions* or *Queries*, is, *What are the Rules that are to be proceeded by in the alteration of an Uniformity, and of these two grand instruments of it?* And those are the very same that we said above were to be proceeded by in the first framing of it; and the mention of which is here to be recalled (*viz.*) That the rights of all be preserved; that to God his right be preserved, by its crossing none of his Commands, but assisting to the performance of them: To the Supream Magistrate his Right, by its being proportioned to his occasions, and the discharge of his trust: To the Church Governours also in their way, their Rights, by its affording to them the like means of the discharge of their function in their several places and capacities: To the private Christian his Right, by its preserving to him the enjoyment of his Christian Liberty, and the use of his Liberty of Conscience, and judgment of discerning: To the Subject also his Rights, by its enjoyning nothing upon him but by Lawful Legislative Authority: And last of all, to all these their Rights, both mixtly, and in their several respects, by its cutting off occasions of contentions, and of corrupt

rupt wicked mens abusing and invading these things and persons severally, to the disorder and destruction of Humane Societies and the welfare of them. And these things are to be heeded by all Princes, and Synods of Divines in this matter. And these general Rules are to be applyed to all particular Cases. And although perhaps many times, especially in times of present Factions in Societies, there may be discontents arising, and fomented, and cries made of scandals and offences given by such Princes proceedings, and the like, yet they ought not to heed those things, so as to cause them at all to depart from these rules of distributive Justice in this affair.

* XVII. In the last place then, the last *Question or Querie*, The seventh and last. is, *Why so great a latitude in preaching (i. e.) upon voluntary choice of Texts and Subjects, and with mens own immediate invention of the matter on them, is to be left open; where notwithstanding perhaps other Publick Services are stinted and restrained, either by the use of a Form and Liturgy, or else by a more immediate and particular Directory?* And the Answer to this also, is; That,

1. Such Preaching is to be kept open for great and weighty Reasons, both special to Christian Churches, and common to others, and both concerning Religion and Government, and the consistency of each with other. As to Religion, it is the Ordinance of God: And as to the Religious ends of the use and exercise of it, it is appointed both for the propagation of Religion abroad, and for the more particular occasional instruction of the members of any Church at home. As to Government, it is appointed to serve the just ends and emergent occasions of it also: And so of the consistency of each of these with the other.

2. And for these and the like more particular Reasons, it is, That it hath ever ordinarily been kept open in all Churches. Derebus & Imper. Lusitanor. ad Paulum Tervium Discept. *Damianus a Goes* Recites it concerning the Ferraigh Plantations and Dominions of the Portugals; *In quibus Regnis multi ad ipsam Religionis veritatem a nostris Concionatoribus perducti sunt: In* which Territories many are brought over to the truth of Religion by our Preachers, sayes he. And *Georgievez*, concerning the Turks: *sacerdos illorum suggestum ascendit, & ad duos circiter horas Concionatur: That their Priest goes up into the Pulpit, and Preacheth for about two hours time.* And afterwards of the Christian Tributaries, *Concio, & Annunciandi Evangelii munus plane interdicatur: That Sermons, and the making use of the Office of Publick Preaching the Gospel, is utterly forbidden to them.* Yet *Chytraus*, of the Constantinopolitan Greeks, *Conciones omnino ipsis habere licet: That it is lawful for them to have Sermons.* The like sayes he, and others of the Russians, and others. And in the Roman Churches, amongst their extreams of strictness in their Uni- De Turcor. Rit. &c. de Templi seu Meschitaeorum. De officio Christian. Quae conditio de bellator. De gradibus Episcopo. in Gracia, &c.

formities, yet their preaching is adorned with the gifts and abilities of their Clergy-men.

3. Yet notwithstanding the use of such Preaching in any Church, may upon some occasions of moment requiring it, not onely be made less frequent, but also for some time totally omitted: For, although the Publick Ordinances of God in matters of Religion do, as such, oblige to the use of them *Semper*, and always, yet none of them simply *ad semper*, and at all times, as the usual distinction in Divinity is. And Preaching, being in it self capable of being so far abused by corrupt wicked men in any Society, as to be made the most potent and prevailing instrument, not onely of the disturbing, but also of the utter ruining and confounding the affairs of such Society; where such a case may perhaps fall out, the use of that one Ordinance, either in *tanto* or in *toto*, either in the whole or in part, either for a longer or lesser time, may and ought to give place to the procuring the welfare of all the other Ordinances of God, either Civil or Religious. *Bishop Andrews*, in his short Description of the Church - Governments of both Testaments, relates it concerning the *Muscovian Emperour*; That, *being weary of the infinite strifes and contentions amongst Preachers, and by their occasions amongst others, he forbade preaching utterly throughout all his Dominions; and instead thereof, Com-manded certain Sermons of the Greek and Latine Fathers to be Translated, and them to be read in Publick Assemblies, without the adding of a word of mens own thereunto, upon pain of death.* But it were to be wished that no such occasions might be given to Governours.

4. And lastly; this however is to be said in the General, that the use of all preaching, as well as of the other Publick Religious Ordinances, is to be so modified and proportioned, as that it may consist every way, and in its place, with the use of the other Religious Ordinances, and with the welfare of the whole charge of the Magistrate in any Society. And to this end it is that all those Lawes of an Ecclesiastical Uniformity, which are used diversly and according to the diverse occasions and constitutions of Churches, are every where laid upon it. Sometimes the more ordinary and general matter of preaching, (*viz.*) the matters of necessary belief and of practical Godliness are prescribed in the way of more general direction: So in the Laws of *Charlemain*, *Primo omnium prædicandum est omnibus generaliter, &c.* That, *First of all, it is to be preached to all generally.* So in the late Letter of his present Majesty of England to the Lord Arch-Bishop of Canterbury, and the like. Sometimes again Forms of Homilies are appointed to be used, together with the greater Latitudes in preaching, especially by either weak or unpeaceable men. In the *Roman Church*, and since the breach made upon it by the dexterity of the late Reformers

See, A summary view,
Edit. Oxford,
Anno 1641.

Lib. 1. De præ-
dicatione Epis-
coporum &
Presbyterorum.

mers in preaching, they have brought the vulgar to esteem going to a Sermon onely as a matter of convenience, and such as is left free to mens pleasures and opportunities, without imputation of sin : And *Durandi, durandus de Rubis*, and the other *Roman Rationales* lay down directions for the using of preaching aright. And lastly, all Churches whatsoever agree in this, that they prohibit the Publick Peace to be broken by it.

*Vid. Rationals
Div. Off. Li. 4.
De Prædica-
tione.
Et Novum Ra-
tionale. Lib. 2.
De Prædica-
tione. Et, de ri-
tibus Eccles.
Cathol in prin-
cip. Et alibi.*

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CHAP.

CHAP. II.

What are the *General ends* of such a *Canon of Doctrines and Liturgy* in any *National Church*?

I. **A** National Church distinguished.

II. A National Church is ordinarily supposed to an Ecclesiastical Uniformity.

III. The Ends of a Canon of Doctrines and Liturgy

distinguished.

IV. The General Ends of such a Canon of Doctrines and Liturgy in any National Church assigned.

V. An Objection answered.

A National Church distinguished.
Supra Lib. 1.
Cap. 1. §. 6.

I. **H**e more general distinction of a National Church being given above, we come here to the more special notion of it : And so it is, either representative, or diffused. The diffused is that which includes the whole Profession of any Nation dispersedly taken. The representative, that which consists of some select persons of that Profession, collected and called together : And there are the same grounds in Nature for a Church Representative, which there are for any other representative of the people in Civil matters whatsoever, (*viz.*) the wisdom and knowledge of some in all Societies above others ; and either the difficulty or impossibility of calling the whole Society together. All are not fit for Council to Princes ; and the most of men are born to be Ruled, and not to Rule. And, *Deinde, quia difficile plebs convenire capit, populus certe multo difficilior, in tanta turba hominum necessitas ipsa curam Reipublicæ ad Senatum deduxit*, says *Pomponius* of the Roman State : That, afterwards, because the Common People began difficultly to come together, and the whole body of the people truly much more difficultly ; in so great a company of men, necessity it self devolv'd the care of the Common-Weal upon the Senate. And as this notion of a Church representative is thus warranted by Nature ; So it is not contradicted by Scripture, nor by any necessary appropriation of the Original Word, *Ἐκκλησία*, in the New Testament. But as to those that require a president of a National

D. de Origine
Juris Lib. 2. ¶
deinde quia.

a National Church to be given in the New Testament, it is ridiculous; the Christian Church then not being national, nor in an ordinary capacity to be so. A Church representative is again either compounded onely of Clergy-men, and the Prince by vertue of his Indirect Power in Spirituals presiding, (and then it is called a National Synod, or Convocation of Divines) or both of Clericks and Laicks, and the Prince by Vertue of his Supream Power over all presiding: And both these, according to the occasions of Princes, and the nature of the affairs committed to them to handle. But it is the notion of a Church National diffused, which is, and will be principally concerned both here and hereafter.

II. A National Church is ordinarily supposed to an Ecclesiastical Uniformity. Because the Chief Magistrate in every National Society hath the Right of setting it; and is ordinarily supposed to have some National Religion established within his Society; and so is the Supream Head upon Earth of his own Church so established. And hence it is, that every such National Church is independent upon any other, and not at all obliged to the observance of the constitutions of it as such, and concerning indifferent things; but is to frame and order all things within it self, according to its own proper occasions. And those that do constitute the Headship upon Earth in such a Church in the Ecclesiastical Synods, called Presbyterial, do make way (the corruptions of men being considered) for the Ecclesiastical persons invading the Office of the Civil Magistrate, and converting clearly into a Pope in the end.

A National Church is ordinarily supposed to an Ecclesiastical Uniformity.

III. The ends intended in a Canon of Doctrines and Liturgy, in such a National Church, are either general, or particular: And the particular ends are either mediate or immediate: and both do bear the notion of means towards the general and last ends: And those are they which are here first to be assigned.

The ends of a Canon of Doctrines and Liturgy distinguished.

IV. The general ends then of such a Canon of Doctrines and Liturgy in any National Church, and since they are the two Grand Instruments of an Ecclesiastical Uniformity, are the same that have been heretofore assigned as the general ends of such an Uniformity, (*viz.*) the preservation of the welfare of Religion and Government, and of the consistency of Religion with Government.

The general ends of such a Canon of Doctrines & Liturgy, in any National Church assigned.

Supra Lib. 2. Cap. 8. S. 5.
An Objection answered:

V. But here occurs an *Objection* then: That, *this is the reducing Religion to Government: And why is not Government as well to be reduced to Religion!*

Ans. It hath been several times heretofore said, that it is so to be reduced to Religion; and the Governours obligation in this particular, both in the *Court of Conscience*, and in the *Court of Heaven*, hath been mention'd: But in the meantime the Christian Religion needs no reduction, by any Humane Arm, to Government, since it consisteth with it, not only necessarily by a total negative consisten-

Lib. 1. Cap. 4.
§. 5, 6.

cy, but also positively and eminently, as hath been heretofore declared. And it is none of the intent neither of an Ecclesiastical Uniformity in the general, nor of the two Grand Instruments of it in particular, to make a Reduction of the right precepts of Religion to any unjust Rules of Government; but only to reduce the errours and extravagancies of men in matters of Religion to Gods Ordinance of Government.

CHAP.

CHAP. III.

What are the *more particular aimes* or *ends* of the *Canon of Doctrines* and *Liturgy* in order to these three *Generals*.

I. **T**He more particular ends of the Canon of Doctrines and Liturgy described.

II. First negatively, as to an Universal inward Unity of Opinion, and the reasons of it.

III. The first Reason.

IV. The Second.

V. The Third.

VI. The Fourth.

VII. The Fifth and last.

VIII. Secondly, positively; and that is, as to those ends, both mediate and immediate.

IX. First, what are those immediate ends in order to the first general end of them.

X. The first of them, in respect to each of them di-

stinately.

XI. The second, in respect to both of them mixtly.

XII. The third and last.

XIII. What are those more particular immediate ends, in order to the two last general ends of such a Canon and Liturgy also?

XIV. The more particular mediate ends of them also assigned.

XV. The first of them, in respect to the three generals, and to each of the Canon and Liturgy distinctly.

XVI. The Second.

XVII. The Third and last.

XVIII. Two appendant Questions resolved.

XIX. The first of them.

XX. The Second.

The more particular ends of the Canon of doctrines and Liturgy described.

First negatively, as to an Universal inward unity of opinion, and the reasons of it.

The first reason.

Lib. 2. Cap. 6. S. 6.

The Second.

Vid. Can. 9. 44. 59, 63, &c.

Novel. 42. Cap. 1. prope fin.

Horat. Carm. Lib. 3. Ode. 2.

I. **T**Hese general ends of the Canon of Doctrines and Liturgy then being thus described, I come next to describe the more particular ends of them also: And that first negatively, and secondly positively.

II. First of all negatively; And so an Universal inward Unity of opinion (the pressing of which upon men was abovesaid to be an extream of strictness in an Ecclesiastical Uniformity) is none of the ends of them. And such an Unity of opinion in men, and as to the notions they have of things, is either mediate or immediate: And 'tis an universal Unity in the next and immediate notions that they have of those things, which is here denyed to be any of the ends of the Canon of Doctrines and Liturgy in a National Church. And that for the reasons following.

III. First, because, such an inward Unity of opinion in men is impossible (*i. e.*) ordinarily, and the causes of mens variety of Opinions (which were above assigned) being considered. Absolute unity, even in Doctrines of Faith, is said, by the Scripture it self, to be proper to mens condition only in Heaven, *Eph. 4. 13.* And the causes mentioned of mens variety of Opinions, being ordinary and natural; he that will reduce them to the contrary absolute Unity, must first of all change even Humane Nature it self within them, and alter them any more from being men.

IV. Secondly, because inward Opinions touch not the Magistrates Province of Government (*i. e.*) of themselves, and unless they be vented. But the Publick welfare of Religion and Government, and the consistency of each with either, are the Publick charge of the Magistrate, and the securing of them is the general aime of the Canon and Liturgy: And the effects of mens irregular divulging of their opinions, are the things from which they are to be secured. 'Tis the publication of wicked Opinions which is condemned by all Humane Laws. So the Apostolical Canons condemn the outward Acts of separation. And the Law concerning *Authimus* taxeth the divulged Speeches of *Nestorius* and *Eutiches*. And *Plato* in his Tenth of Laws, finds fault with those who speak openly against the Gods and their Worship. And,

*Verabo, quæ Ceresis Sacrum
Vulgarit Arcana, sub iisdem
Sit trabibus, fragilemq; mecum
Solvat faselum.*

*I will not suffer him, who shall divulge the Holy Rites
Of mystical Ceres, to be with me under the same
Rdof, or in the same Voyage
At Sea.*

V. Doctrines

V. Doctrines, expressed in general terms only in the Scripture, ought to be expressed in such general terms also in the Canon and Liturgy; And that because they in such things ought to be regulated by Scripture, as will be hereafter said: And then the very generality of the terms, in the Canon and Liturgy, intimates a liberty of mens variation in their next and immediate notions about them. Such is the doctrine of *Christs descent into Hell*, in the English Canon of Doctrines. Nay, and even in the things most particularly declared by any Canon, on its part, it doth not tye men on their part, to any one only particular and immediate conception concerning them, as shall be also hereafter evidenc'd.

The Third.

Infra Cap.

See Article 3.

Infra Cap.

VI. Mens private Opinions cannot come under the Magistrates Cognizance, because he cannot know the thoughts: And therefore it is impertinent for him to intend his Canon and Liturgy for the immediate restraint of them. Wherefore, *Cogitationis panam nemo patitur*, sayes *Ulpian*; *That none suffer punishment of thought*. And in the case of slander, *Non omne maledictum convitium esse*, *Sed id solum quod cum vociferatione dictum est*: That every evil speech is not presently a slander, but that only which is uttered with out-cry and aloud.

The Fourth.

F. De peno
Lib. 18.

Ibid. De inju-
ria & famosis
Libel. L. Item
apud. §. 8.

VII. In the first and last place, no mortal man hath any right to oblige another to any particular senses propounded by him in any doctrines of Religion. God himself doth not oblige men to impossibilities in Scripture; much less is any man invested with power, either of himself, or by any other, to do it.

The Fifth and
last.

VIII. This being then not the intent of the Canon and Liturgy in order to their general ends, I come positively to assign what are the more particular aimes and intents of them: And that both mediately and immediately.

Secondly, po-
sitively, and
that as to
those ends,
both mediate
and immedi-
ate.

IX. First, What are the more immediate ends of them in order to the preservation of the publick welfare of Religion. And those are,

What are
those immedi-
ate ends, in
order to the
first general
end of them.
The first of
them, in re-
spect to each
of them
distinctly.

X. First of all, in respect to each of them distinctly:

1. In respect to the Canon of Doctrines, the first of this sort of ends of it is, To exhibit a summary of the Doctrines of the Christian Religion; and that both as a confession of Faith in respect primarily to the Church National Representative, and also as a Standard or Rule of Doctrine in respect to the Church National diffused.

2. In respect to the Liturgy: And the first of this sort of ends of it also is, to be the ordinary instrument of Publick Devotion, and Divine Service & Worship; and that both in respect to its instructing of the people in any of the Doctrines of the Canon, it being framed according to it; and also in respect to its performing any of the other Offices tending to the exciting of Piety and Affection in Relation to the practice of those Doctrines. Such are the Offices

which the Scripture it self performs in relation to these ends, 2 Tim. 3. 16. All Scripture is given by inspiration of God, and is profitable for Doctrine, for Reproof, for Correction, for Instruction in Righteousness, &c. And such also are the Offices that the Liturgy performs, by its forms of Exhortations, confessions of Sins, petitions to Heaven, and the like prescribed by it; and also by its suitable Ceremonies, of diversities of postures of body, earnestness or humbleness of voice, and the like, annexed to them, and enjoined to be used either by the Priest or People at the performance of these things.

The second in respect to both of them mixtly.

Lib. 2. Cap. 1. §. 13. and 16.

XI. The second of this sort of ends relates to both the Canon and Liturgy mixtly, and that is, the maintaining of Charity and Peace in the National Church, (*viz.*) as such Charity and Peace (as hath been said above) make so much to the benefit of Religion, and are so much commanded in Scripture; And which (were they to be bought) were rather to be purchased with *essence of Gold*, then that they should be wanting in any Church.

The third and last.

Lib. 2. Cap. 6. §. 9. and 12.

XII. The like also is the third and last end of them; and that is, the preventing and removal of contentions in relation to matters of Religion: And which contentions and opinion-feuds have been above also asserted to be so much hurtful to Religion, and so much forbidden in Scripture.

What are those more particular immediate ends, in order to the two last general ends, of such a Canon and Liturgy also.

XIII. The like also, only under somewhat other considerations, are the more particular immediate ends of the Canon and Liturgy, in order to the preservation of the welfare of Government, and the consistency of Religion with it, (*viz.*) the Canons exhibiting any Doctrines of Religion concerning either of them, and as making to the securing the welfare of either of them: And the Liturgies instructing in them, and exhorting to them, and the like. And both of them mixtly, their maintaining Charity and Peace, and removing contentions; the one of these sorts of things as hurtful, and the other as beneficial to either of them also.

The more particular mediate ends of them also assigned.

The first of them, in respect to all the three generals, and to each of the Canon and Liturgy, distinctly.

XIV. These then being the more particular immediate ends of the Canon and Liturgy, the mediate follow: And these also are,

XV. First, in respect to each of them distinctly, the Authorizing the Doctrines of the Canon to be taught, and the Forms of the Liturgy to be used: And that both of them, in respect to the yet more mediate and particular ends, and in relation to their accomplishing all their three Generals, (*viz.*) that the means of Knowledge and Grace may be afforded to the people: And that they may be instructed in the Doctrines concerning Government, and the consistency of Religion with it. For, the Canon and Liturgy being thus each of them authorized and enjoined by the Magistrate; that which will follow will be, that they will be made use of by the National Church, and opened and taught to the people

at

at the Publick Ordinances, and the Doctrines of them will be treated of more at large in Homilies, Catechisms, good Books, Pieces of practise and devotion (for private and retired use) and the like: And by these means, the due respects will be kept up to Government, and the consistency of Religion with it will be preserved; And the salvation of souls will be provided for, and the Life and Power of Godliness succoured. Truly souls are precious and of infinite value, both in themselves, and also in respect to their sublime capacity and immortality in another world: they are like the pieces of Silver which the woman sought for with a candle in the Gospel. And, as *Toledo* said to the Legate from *Rome* in the Council of *Trent* upon occasion, That, *He had heard it often preached, that the saving of one soul was so dear to Christ, that he would descend again and suffer on the Cross to gain it.* But in the meantime, an Ecclesiastical Uniformity, while it lays but the due restraints upon these things which we have mentioned (according to the divers exigencies and occasions of Countries) is unjustly accused of suppressing the power of Godliness.

See, Hist. of the Council of Trent. Lib. 4. *prope fin.*

XVI. The second of these mediate ends is, in respect to both the Canon and Liturgy distinctly also, (*viz.*) the obliging men to the publick profession, in respect to the Doctrines contained in the Canon, and to the use of the publickly authorized Forms, in respect to the Liturgy: And both these for the procuring of that Peace and Charity, the great *medium* for the procuring of which such an Unity of profession, and of the use of publick worship, were said to be above; and which Peace and Charity are so beneficial both to Religion and Government, and the consistency of Religion with Government (as was said above also) and so much commanded in Scripture. And it is certain, that not only an unity of profession, but also a customary use of the very oneness of words and syllables in a Liturgy, is (in the respect which it hath to Humane Nature) promotive of Charity. There is a notable relation in *Plutarch* to this purpose, concerning a crafty King, Who *guessing at his Enemies the Egyptians, their being too strong for him, if they agreed in their minds and Councils, and should band together, took this course; He enjoined each Country to worship divers Beasts, which were enemies by Nature, and would prey upon each other.* And the effect of it was this, That, *Whilst every one defended his Beast, at last it came to pass, that by the enmity of their Beasts, the people themselves at unawares became such enemies one to another, that he easily subdued them.*

The Second.

Lib. 2. Cap. 7. §. 2, 10, 11, 12.

Lib. 2. Cap. 1. §. 13, 14, 15, 16.

De Iside & Osirid.

XVII. Last of all, the third and last of these mediate ends of the Canon and Liturgy are, in respect to each of them distinctly also: And that is, in respect to the Canon its restraining men from the open divulging of their Opinions in order to the contesting them; and in respect to the Liturgy, the restraining them from the

The Third and last.

Lib. 2. Cap. 7.

§. 15.

Lib. 2. Cap. 6.

§. 9, 10, 11, 12.

Two appen-
dant Quest-
ions resolv'd.The first of
them.

use of diverse sorts of worship; and both these in order to the preventing and removal of contentions, for the preventing of which such a restraint was above assigned to be the only necessary means; and which were said to be every wayes so hurtful both to Religion and Government, and the consistency of Religion with Government; and so much also forbidden in Scripture.

XVIII. Here then come to be debated the several particulars concerning a restraint its being laid upon the use of the Sacred Ordinances of God. We shall only absolve two *Questions* or *Queries* concerning them.

1. Concerning the manner of using them in Publick.

2. Concerning the simple use of them more privately.

XIX. First, *in what manner in the general they are to be made use of in the publick; and what are the circumstances that are to attend such the use of them; and particularly to what degree the use of them is to be extended, (viz.) of what length the ordinary prescript form of Divine Service, and the other Offices in the Liturgy, ought to be; how frequently Preaching or Sermons are to intervene, and be had, either on the more solemn stated Sabbath, or other Festivals, or on any other the like dayes of publick convening in any Church?*

Ans. 1. Circumstances, attending the Ordinances of God, and the manner of using them, are ordinarily said to be of two sorts; either natural, or voluntary and instituted. The Natural are only secondarily and dependently so, (i.e.) such as are taken Naturally to cohere with things only in relation to their being, according to the received customes of any Country. The voluntary are those which are instituted more *ad libitum*; and if they be thoroughly considered, they rather are to be said to differ only in degree, then in kind (in this matter) from the former: Both because they are supposed to be suitable to the things signified and meant by them, and also because there is alwayes supposed to be a reason for the Humane appointment of whatsoever circumstances shall attend so weighty matters as the Sacred Ordinances of God.

1 Cor. 14. 40.
and 26.

2. The particular wayes and manner in which the Ordinances of God (the means of Knowledge and Grace mentioned) are to be used (and as attended with these circumstances) in any Church, are left undetermined in the Divine Law of the Christian Religion. And there are only the general Rules laid down concerning all such things in the external regiment of the Church, (*viz.*) of *doing all things decently and in order, to edification; of serving God with reverence and Godly fear, and the like.* But the modification of these generals, when reduced into particulars, is left to the diverse conditions and occasions of particular Churches, *pro hic & nunc*, and according to present circumstances of affairs. And it was impossible that it should have been left otherwise, considering the diver-

diversities of the necessities of Countries every way, and that the Christian Church was intended to be spread over all the world.

3. The putting these matters into form then in every society is left supremely and principally to the Supream Magistrate: And he hath a right to the doing of it, as he is the person who ought to have the framing of the Ecclesiastical Uniformity in his Society (as was above mentioned) partly by vertue of his Supream Power over all, and partly by vertue of his indirect power in Spirituals. Hence the diversities of customes and ceremonies attending the Divine Service in divers Churches. Hence the Canonical hours, and the like: Only the Magistrate is to see that his Divines, assisting him, or any others, do take a special care, that according to the general Rules of the Divine Law mentioned, all things be done to the promotion of the welfare both of Religion and Government, and the consistency of each with either in this matter. And it is convenient that there be one only form of using these things (suitable to the other parts of the Ecclesiastical Uniformity) throughout the Princes Dominions. And it is of great moment, that there be also Uniform Vogues or Voices, made to pass currantly amongst the people, concerning the observance of all of them.

*Vol. Lib. 2.
Cap. 10 §. 2.
and 4.*

XX. The second *Question* or *Querie* then, is, concerning the *simple use* of these Ordinances of God *more privately*, and that in respect to the great matter of the *Conventus*, or *Conventiculi*, the *lesser meetings* in houses or *Conventicles*, as they are called at this day in *England*, (*viz.*) *Whether, and how far forth such Conventions are Lawful, and accordingly to be permitted by the Prince in any Society?*

The Second.

Ans. 1. In the first place, there is no doubt but that Prayer and Preaching, and the like exercises of Religion, which are made use of in those Conventicles, are in themselves the Ordinances of God. So that that need not to be pleaded for them with so great and popular a cry made amongst the vulgar as it useth to be (and hath been in *England*) by the supporters of them.

2. But then all the Question, is, concerning the use of them in such a way; whether, when so used, they are to be look'd upon as lawfully used, and as continuing to be the Ordinances of God? Truly this case (as all others) is to be judged from the diversities of circumstances attending it. Things in themselves may be good, but by the abuse of them made evill. Things in themselves may be the Ordinances of God; but by the use of them in such or such a way, turn'd into the Engines of men to work their designs by. It was a case like to this which was disputed against Pope Paul the fifth, by the Reputed Father Paul the Venetian: *The State of Venice*, it seems amongst other things, finding the building of Churches, Monasteries, and the like, at mens pleasure within her Territories, to be inconvenient and dangerous to the Publick, because of the multitudes

See in his Answer to the Popes Bull. Pag. 12, 13, 14, 15, 16, 17. &c.

P. 17. *Ibid.*

Ethic. 2. Cap. 6.

De operibus publicis, L. opus.

Novel. 67. in Tit.

Ibid. Constit. 5. Cap. 1. & alibi.

C. De sacro sanct. Eccles. L. Quoniam in plerisque

Decret. tertio part. distinct. 1.

Capit. Lib. 5. l. 229. and 230, &c.

of strangers who did resort to use and inhabit them, and the like; and who were contrary in their customs of Life, and had ends divers from those of the Common-Wealth; Upon this the State made a Law, That none should build any of those Religious places without License. And who will not marvel (sayes Father Paul) to hear it objected against this Law, that to build such Religious Houses, it is in it self no wicked Act? As though a work of its own nature, and in it self good, if it be performed without due circumstances, were not vicious, and did not deserve Chastisement: Not from the Matter or Object only, (sayes Aristotle) and after him all the Divines) is an action construed, but from the integrity of all the circumstances. The like prohibitions to this also are to be found in all Laws. *Opus novum privato etiam sine Principis Autoritate facere licet*, sayes Macer the Civilian in the old Pandeets: That it was lawful for a private man to erect any new work without the leave of the Prince first obtained: But, *Præterquam si ad emulationem alterius Civitatis pertineat, vel materiam Seditiois præbeat*: Only excepting it should perhaps tend to emulation betwixt Cities, or afford matter of Sedition, or the like. And in the Novels of Justinian, in the Title, *Ut nullus fabricet Oratorii domos, præter voluntatem Episcopi, &c.* And elsewhere frequently the building of Monastries and Churches, and the like, is forbidden, before License obtained from the Bishop, consecrating of the ground by him, and such other things to be performed. And in the Code, the like is the Law of prohibiting any one to make Jesus Christ his Heir, without the observance of due circumstances in it. And, in the body of the Canon Law, the Rubrick *De Consecratione*, in the *Decretum*, and the like may be viewed. And the like things are to be found in the Laws of Charlemaine, and of others. And, last of all, the like to these cases now is the case of prohibiting Conventicles in any Princes Dominions.

3. The general Rule then from whence the goodness or evil of the circumstances accompanying them, in this case, is to be judged of, is, their tending either to the hurt or benefit of the Publick Charge of the Magistrate: If they tend to the hurt of it, it makes them unlawful; if otherwise, the contrary. And the circumstances accompanying them, may tend so evidently and eminently to the hurt of that charge, that it cannot by any means be preserved without the suppression of them. Let us but weigh the present case in England. Suppose they are kept up in any Society, in a time of Parties or Factions stirring in it. Suppose those Factions only keep them up. Suppose that the very Fame and Repute of those persons who perform the Acts of Praying and Preaching at them do work upon the others who frequent them to be of their Parties; as it will most certainly do, and prevail mightily with the weaker sort of men, although those who are the Orators do not

not neither so directly or expressly Pray or Preach up their Parties in the mean time. Suppose yet further, that these Parties separate from the Publick Ordinances, or National way of Administration of Religion in any Society. Suppose that they have avowedly and openly declared their intents of altering the present Lawful and Established Government, either in Church or State; and so evidently these meetings tend to the publick contesting of opinions, and the utter breach of the Peace both in Church and State, and to the overthrow of the present Lawful Established Government in both. Suppose that the Publick Magistrate hath had this long experience of them, that they have been kept up for nothing else in the bottom, or by any of the heads of those Parties, and have tended to nothing else. Suppose yet again that they are kept up at the time of the administration of the Publick Ordinances, in the Church, and do withdraw men from the partaking in them. Suppose lastly, that upon these and the like considerations they are strictly prohibited by Lawful Authority, and Laws made by it. Certainly these things being weighed, no considerate man will concede such meetings to be lawful, and the prayer and preaching that is used in them to be used in a due way, and to be attended with right circumstances in the use of them. In vain then are the convenings of the Apostles and Primitive Christians in Houses (who had a special command from Heaven (as *Abraham* had for the sacrificing his Son) for the setting up of the Christian Religion by such wayes at that time) alledged for these meetings, and the justification of them; and the case of which is far otherwise, in the circumstances belonging to them.

4. If the case of these meetings then may be so, the Supream Magistrate is the person who hath the Supream Right of Judging concerning them, and of laying a restraint upon the use of the Ordinances of God in them: And that by vertue of his indirect power in spirituals. And what was said above concerning the manner of using spiritual gifts in publick; the same is to be said here concerning the simple and more private use of these Ordinances of God in these meetings: That he that shall deny to the Civil Magistrate this his Natural Right of laying a restraint upon them, shall deny to him the means to the end, and leave him destitute of the faculties necessary for the preservation of his publick charge, and the welfare of it.

5. Yet however it may be also, that sometimes these meetings may be innocent, nay, promotive of the welfare of Religion: And the Magistrates Government, by his suppressing of them, may in consist with Religion. And therefore it is, that sometimes they have been permitted by the Laws of Countries: *Nec suspecti esse debent catus proborum hominum, & qui latere non quærunt nisi cogantur*, sayes *Grotius*: That neither yet ought the convenings of honest men to be suspected, and who seek not to lye hid, unless being compelled to it. And,

K k k

Sacerdotes

Lib. 3. Cap. 1.
§. 14. 1

De Jure Eccl.
L. 2. Cap. 20.
§. 49.

In Novellâ
Constit. Const.
A. ad fin.

D. de Collegiis
& corporibus,
L. 1.

Sacerdotes in quibuslibet ædibus sacrificandi, Deiq; Arcana enarrandi facultatem habeant, sayes the Emperour Leo: That the Priests should have liberty of offering their spiritual Sacrifices, and of declaring the secrets of God in any houses whatsoever. And in the Digests, Marcianus: *Sed Religionis causa (milites) coire non prohibentur, dum tamen per hoc non fiat contra Senatus consultum, quo illicita Collegia arcentur*: That Souldiers were not prohibited to come together for the sake of exercise of Religion; yet however while by this nothing was done contrary to the decree of the Senate, by which unlawful meetings were forbidden. And the like other Laws might be recited: But then

Prope fin.

Prope fin.

Vid. Fragment.
12 Tab. Annex.
Cod. Theodos.

F. De Rerum
divisione &
qualitat. L. 9.
§. 1. and 2.

6. And lastly, because these meetings do in themselves afford so great and ready an opportunity to Heresiarks and Ring-leaders of Sedition to promote their several designs by: And because also, that by reason of the corruptions of men (which will scarce temper themselves from attempting mischievous practises, when such opportunities are afforded) and other the ordinary concomitants of these meetings, they are seldom found to be innocent; therefore it is that all Laws and Advices in Policy (ordinarily) have prohibited them. And that either simply and in themselves, or else as being *de facto* mischievous to Common-Weals. So if we will look amongst the *Greeks* and *Romans*, the Lawes and Councils of the Christian Church, of the more ancient or modern Ages of it. Amongst the *Greeks*, first of all *Plato*, in his Tenth of Laws: *Sit autem Lex hujusmodi*, sayes he, *simpliciter cunctis imposita; Sacella nemo in privata domo habeat: Cum vero animus quis ad sacrificandum induxerit, ad publica sacrificaturus accedat, &c.* That there should be some such kind of Law imposed upon all without exception; That none should have any lesser Chappels in any private house: And when any had a mind to offer sacrifice, that he should go and Sacrifice at the publick places of worship. The like *Isocrates* in his second Oration to *Nicocles*. *Ἐπειὶς μὴ συνέσται, μὴτε συνόδους, ἀλλὰ τὸ ἐν τοῖς Ἱεροῖς, &c.* Make no Fraternities, nor Assemblies, without my Authority: For such kind of conspiracies, as they are of great moment in other sorts of Policies, so in Monarchy they are dangerous. And so others amongst the *Romans*. It is reputed for one of the *Actions* derived from the Laws of the Ten Tables: *Si quis. nox. in. Urbe. cætus. agita sit. capital. esto*: If any man shall gather together Companies by night in the City, let it be a capital offence. And in the body of the Civil Law, *Sacra loca ea sunt quæ publicè dedicata sunt, sive in Agro, sive in Civitate sunt*, sayes *Ulpian*: That those are holy places which are publickly consecrated, whether they be in the Country, or in the City. And, *Sciendum est locum publicum tunc sacrum fieri posse, cum princeps eum dedicaverat vel dedicandi dederit potestatem*: That we must know that a publick place is then made holy, when the Prince hath consecrated it, or else given power of consecrating it. And again,

Divus

Divus Severus rescripsit, etiam eos, qui illicitum Collegium cogisse dicuntur, apud præfectum urbis accusandos esse: That the Emperour Severus wrought back, that those that were said to gather together an unlawful Company, were to be accused before the Governour of the City. And after him Cajus, Neq; Societas, neq; Collegium, neq; hujusmodi corpus passim omnibus haberi conceditur: That it was not conceded to all alike to have either a Society, or Company, or any such kind of fellowship incorporate. And again Ulpian, Sub prætextu Religionis, vel sub specie solvendi voti catus illicitos nec a veteranis temptari oportet: That unlawful meetings, under pretence of Religion, or under the colour of paying vows, were not to be attempted, no not by the old Soldiers themselves. And the like others. If we look into the Laws and Councils of the Christian Church, it is the 30th of the Apostolical Canons: Si quis Presbyter, proprium aspernans Episcopum, seorsum Conventicula egerit, &c. deponitur: That if any Priest, despising his own Bishop, should hold Conventicles apart by himself, &c. he should be deposed. And again, Si quis Clericus aut Laicus Synagogum Judæorum, aut Hereticorum conventiculum ingressus fuerit, ut preces cum illis jungat, deponitor, & a communione secluditor: That if any either Clerick or Laick should go into a Synagogue of the Jewes, or a Conventicle of Hereticks, that he might joyn in prayer together with them, he should be deposed, and excommunicated. And again, Si quis, &c. cum Judæis jejunaverit, aut communem festum diem cum ipsis egerit, &c. deponitor, si Laicus a communione segregator: That if any one should fast with the Jewes, or celebrate any solemn festival with them, or the like, he should be deposed, and if he were a Laick, that he should be excommunicated. In the Code and Novels also of Justinian, and the other parts of the new Civil Law, infinite are the particular Laws made against Conventicles. They are called so by way of reproach, they are prohibited under the penalty of forfeiture of the houses in which they were kept, and the like. The body of the Canon Law, we may be sure, concurs with the Civil in this matter: Both in the Decretum, the Extravagants, and other parts of it. And the like Laws are to be found in the Theodosian Code; and the like Canons in Councils. In the Council of Antioch, the fifth Canon. In that of Laodicea, Canon the 9th. In the fourth of Carthage, Can. 71. and the like. And last of all, the like are the more modern Laws and Constitutions of Countries. Boterus gives the Directions, Quomodo Rebellionum conventicula impediuntur: How the lesser Convenings of Rebels may be hindred. And, in the Laws of Charlemaine, many are the like provisions made against such kinds of meetings. And in the very Statutes of Geneva, The Captain General shall be diligent (sayes the Statute) and vigilant over all the Town: He shall gather no assembly suspected, nor make any Conventicle which may be a preparative to Sedition, Tumult, or Mutiny, &c. And again, If any do perceive any man-

Ibid. De Offic. Præfetti Urb. l. i. in fin.

Ibid. Quod cujusq; universitatis nomine, vel contra eam agatur. l. 1. De extraordinariis criminibus. l. sub prætextu.

In Corp. Jur. Civil.

Can. 63.

Can. 69.

Vid. c. De summa Trin. l. nullus, &c. Et, de Episcop. & Cler. l. Conventicula, &c. Et de Hereticis, & Manich. l. Cuncti heretici. Et l. Arrinici & Macedoniani, & l. damnato & l. quicumq; in hac Sacra Urbe, &c. Et Novel. Constitut. 67. Cap. 1. &c. Et Constit. 131. Cap. 8. & cap. 14. & constit. 132. in præf. &c. Et Feudor. lib. 2. Tit. 53. &c. Vid. De Crer. Part. 1. Distin. 17. & alibi. Et part. 3. distin. 2. ner. 1. & alibi.

In Novell.
Constit. Const.
4. ad fin.

D. de Collegiis
& corporibus,
L. 1.

Prope fin.

Prope fin.

Vid. Fragment.
12 Tab. annex.
Cod. Theodos.

E. De Reum
divisione &
qualitat. L. 5.
§. 1. and 2.

Sacerdotes in quibuslibet ædibus sacrificandi, Deiq; Arcana enarrandi facultatem habeant, sayes the Emperour Leo: That the Priests should have liberty of offering their Spiritual Sacrifices, and of declaring the secrets of God in any houses whatsoever. And in the Digests, Marcianus: *Sed Religionis causa (milites) coire non prohibentur, dum tamen per hoc non fiat contra Senatus consultum, quo illicita Collegia arcentur*: That Souldiers were not prohibited to come together for the sake of exercise of Religion; yet however while by this nothing was done contrary to the decree of the Senate, by which unlawful meetings were forbidden. And the like other Laws might be recited: But then

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Ibid. De Offic. Præfetti Urb. L. 1. in fin.

Ibid. Quod cu-juq; universitari nomine, vel contra eam agatur. L. 1. De cursuordinariis criminibus. L. sub prætextu.

In Corp. Jur. Civil.

Can. 63.

Can. 69.

Vid. c. De summa Trin. L. nullus, &c. Et, de Episcop. & Cler. l. Conventicula, &c. Et de Hereticis, & Manich. L. Cuncti heretici. Et L. Arriani & Macedoniani, & L. damnato & L. quicumque in hac Sacra Urbe, &c. Et Novel. Constitut. 67. Cap. 1. &c. Et Constit. 131. Cap. 8. & cap. 14. & constit. 132. in præfat. &c. Et Feudor. lib. 2. Tit. 53. &c. Vid. De Crer. Part. 1. Distin. 17. & alibi. Et part. 3. distin. 1. & alibi.

Et extravagant.
comau. Lib. 1.
De Treuga et
pace prope fin.
Et Lib. 3. de re-
liquis et vener-
at. Sanctor.
Cap. 2. &c.
Vide Cod. The-
odor. Lib. 16.
De Hæreticis.

ner of practise, or conspiracy against the Principality of this City, or against the Word of God, &c. And in the last place, in England, the Speaker of the House of Commons in this present Parliament, in one of his late Speeches to the King, hath called the Conventicles held there, *The Seminaries of the Divisions in England*. And it was upon the accounts that have been mention'd, that the Meetings heretofore, called *Prophefying*s in England, were prohibited also by Authority. And thus then for this Second Question.

Tit. 5. Nullus Hæreticus, &c. Vid. Concil. Ancyran. Can. 18. & Concil. Antioch. Can. 5. & Laodic. Can. 9. & Urthog. 4. Can. 71. &c. Apud Carran. Vid. de Polinia illust. lib. 5. Cap. 7. Vid. Capitulare Lib. 5. L. 3. & L. 118. & L. 230. & lib. 6. 101. 198, &c. See the laws and Statutes. p. 22. Of the Office of the Captains, &c. and p. 37. the preservation, &c. See Sir Edw. Turners Speech to the King, Anno 1664. See the Ecclesiastical Canons, Can. 72. And certain considerations, &c. said to be the Lord Bacons. p. 29, 30.

CHAP.

CHAP. IV.

Of the *inward Unity of Assent*, which is supposed to the *outward Unity of Profession*, and use of *Publick Worship* in an *Ecclesiastical Uniformity*.

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| <p>I. The great weight of the things contained in this Chapter.</p> <p>II. The immediate inward Unity of Assent denied to be the kind of assent here to be mentioned.</p> <p>III. Yet there may be such an Unity of Assent in men in part.</p> <p>IV. But yet this is not the kind of it, that is to be fixed upon here, neither.</p> <p>V. The Positive stated, and what this kind of such Assent is.</p> | <p>VI. The Third Notions assigned, in which it is to terminate.</p> <p>VII. The Reasons why it is here to be fix'd upon.</p> <p>VIII. Two cautions subjoyn'd to this the fixation of it.</p> <p>IX. The first of them.</p> <p>X. The Second.</p> <p>XI. The conclusion drawn from these things.</p> <p>XII. Two appendant Questions resolved.</p> <p>XIII. The first of them.</p> <p>XIV. The Second.</p> |
|---|---|

I. **TH**at which is the main drift and scope of this Chapter, is of great moment towards the pacification and satisfaction of Conscience, in its submission to the Ecclesiastical Laws of Princes, (*viz.*) the assignation of what kind of assent it is that is supposed to the external profession and use of things, either in respect to matters of Doctrine, or Worship and Practise, in an Ecclesiastical Uniformity.

II. An immediate inward unity of assent then being denied in the former Chapter, and deny'd to be that kind of assent in man which was said (above) to be supposed to the External Acts of profession and use of publick worship; it is evident that it is not it which is here to be assigned and fixed upon as a sufficient ground for such profession, and use or practise of things.

The great weight of the things contained in this Chapter.

An immediate inward unity of assent denied to be the kind of assent here to be mentioned.

§. 2, 3, 4, 5, 6, 7.
Lib. 2. Cap. 7.
§. 9, 11, 12.

L I I III. But

Yet there
may be such
an unity of as-
sent in men
in part.

III. But although such an universal inward unity of assent is not ordinarily possible, nor to be expected to be in men; yet however it doth not from thence follow, but that there may be such an unity in them in part (*i. e.*) in respect to some things, whether matters of belief or practise, and in some notions that they have concerning those things. Things may be perhaps so plainly and particularly expressed, (as is the case of the fundamentals of the Christian Religion) or else there may be the same causes of the same immediate notions of things, co-operating in several persons at the same time, and as to some things. And these things are possible in Nature.

But yet this is
not the kind
of it, that is to
be fixed upon
here neither.
Lib. 2. Cap. 7.
§. 8. in fin.

IV. But because (as was said above) that such a profession and use of worship was enquired after, as might be an ordinary stated *medium* for procuring a charitative communion amongst men; and because the assent supposed to both of them ought to be proportionable and adequate to the universality of them both: And because this Unity of assent (here mentioned) is also but partial, either as to things, or persons, and but accidental, either as to those things, or persons, or times, and cases up and down in the world; therefore it is, that this is not the kind of unity of assent, which is here to be fixed upon neither.

The positive
stated, and
what that
kind of such
assent is.

V. So then we come to the positive stating of it; and that is, that the kind of inward unity of assent, which is supposed to the outward unity of profession, and use of publick worship in an Ecclesiastical Uniformity in any national Church, is, an inward unity of assent *in aliquo tertio*, and in some *third notions* concerning things.

The third no-
tions sign'd,
in which it is
to terminate.

VI. And those *third notions* then, in which such assent is to terminate, are, those of the *Truth* and *Lawfulness* of things. Of the truth of them, in respect to the Canon of Doctrines, and the matters of Doctrine, which profession of assent is to be made to; And of the lawfulness of them, in respect to the use of the Liturgy, and the matters of Worship and Practise, in the use and practise of which, such profession of assent was said (above) to be involved also. And this is all the kind of assent then, which is supposed by Princes to be given by men to their Ecclesiastical Lawes (*viz.*) that they should believe the Doctrines of their National Church to be true, and their Publick Worship to be Lawful. And this Concession of Princes is one of the most principal of those derivative Latitudes or Liberties which were said above to belong to private persons in relation to their performance of obedience to the Ecclesiastical Establishments of those Princes, and to be also the derivative rights of those private persons in that matter. And, as to the more particular, and next, and immediate notions, under which those private persons think either of these sorts of things, either Doctrines or Worship, to be so, either true

Lib. 2. cap. 7.
§. 12. in fin.

Lib. 2. cap. 11.
§. 6.

true or lawful; Princes meddle not with them, nor look not upon them as in themselves belonging to their Province.

VII. The great reason then why this kind of inward assent, is it which is here thus to be fixed upon, is, because it hath all the properties which such an assent (*viz.*) as must stand in its place in an Ecclesiastical Uniformity) ought to have; And those are,

The Reason why it is here to be fixed upon.

1. It permits to men their Liberty of Conscience, and of the ordinary exercise of their judgment of discerning (which were asserted as their primitive Spiritual and Ecclesiastical Rights above) and also their humane necessity of variety in their opinions and immediate notions concerning things, which hath been above also more then once asserted.

Lib. 2. Cap. 3. §. 2, 3. &c.

2. It is therefore both lawful, as supposed by the Magistrate to the external profession, and also ordinarily and universally possible, in respect to the members of his Society, and the external profession, its being an ordinary stated *medium* for charity amongst them. And,

Lib. 2. Cap. 1. §. 7. & Cap. 6. §. 6. *Vid. alibi.*

3. And lastly, it is therefore also, and as it is so every ways lawful in its self, and ordinarily possible, a ground sufficient, both in respect to God and Conscience, for mens making such an outward profession (of assent) to Doctrines, and for their using the national worship.

VIII. This assent then to these third notions of things being that kind of it which men are thus generally supposed to unite in; there are only two cautions here further to be subjoyned to this our assignation of it as such: And those are,

Two cautions subjoyned to this the fixation of it.

IX. First of all, the first respecting the positive part of an Uniformity, and mens making the external profession mentioned; and that is, *That in order to the making of it, they collect rationally and according to the due Rules of Interpretation* (laid down hereafter) *and not absurdly and carelessly concerning their immediate notions of things.* For otherwise, it is trifling with God, and colluding with Conscience, if men shall not do their duties in this business.

The first of them.

Infra Cap. 8.

X. The second respecting the negative part of an Uniformity, and mens not injuring the charge of the Magistrate by their opinion-seuds, and breach of the peace by them; and that is also, *That although perhaps they may variously differ in their immediate notions which they have of things, yet that they do not in the mean time divulge those their differences however any way to their such breaking of the peace and publick contesting of opinions as is mentioned.* The Scripture sayes, *To his own Master every man standeth or falleth;* and therefore, *Who art thou that judgest another mans servant?* And if a man will perform the good and charitable office of instructing others aright,

The Second.

Rom. 14. 4.

it must be done with Meekness, Love, Humility, and the like; and there is no room here for mens venting their irregular passions, and mistaken zeal, and their *calling for fire from Heaven*, as the Apostles said *Elias* did.

The conclusion drawn from these things.

XI. In the last place then, if the things here mention'd in this Chapter were duly thought upon, and if the use of them were made aright, and as it ought to be in Churches, and according to their variety of occasions, and by all in their several places; How little of that murmuring would there be against Princes and Church-men, and their Ecclesiastical Lawes? How little of that complaining of oppression of conscience, and the like, which is many times so frequent abroad in the world?

Two appendant questions resolved.

XII. These things then being said, two *Questions* or *Queries* appendant to them are here last of all to be resolved: And those are;

1. In relation to the outward acts of profession, and the use of Publick Worship, their being regulated by Humane Laws; and where some one or more persons may be supposed to be, who are of such a profession, as is outwardly secluded from being at all made in any Society, and which may perhaps so differ in the kind of it, either more generally or particularly, from the national profession, as that it is contradictorily opposite to it, and so inconsistent with it under any notion whatsoever.

2. The second is, in relation to the defence of the True Faith, and that by contending for it.

The first of them.

XIII. First then, *How far forth the Magistrate may de Jure compel men in the case mentioned, to unite with the national profession?*

Ans. 1. Negatively, and on the peoples part, he may compel them universally and absolutely not to make the contrary profession of any false Religion: And so he may compel them also generally and limitedly, and where his publick occasions do require it, not to make the profession of the true Religion to such or such degrees of solemnity: and they are bound to obey, where no special reason obligeth to the contrary, say the Casuists, and all the Divines. And the reasons of these things are evident, both from the Law of Nature, and the Divine Law. From the Law of Nature, because it is not the intent of the true Religion at any time, by the same act of profession more to hurt humane Society then to benefit it self. And from the Divine Law; See *Mat.* 10. 16. to 23. *Mat.* 12. 15, 16. *Mat.* 14. 13. *Jo.* 10. 39, 40. *Acts* 9. 25. &c.

2. Negatively, on the Magistrates part; he may not compel them in a direct and absolute sense to the positive act of uniting with the national profession; and that because the concession of such right of compulsion in him, includes concession of Sin: And they ought not neither to be compell'd by him, either where the national Religion is false, and so the act of profession of it is sinful in its self,

or

or elsewhere it is against Conscience with them, and so that act is sinful by accident : And therefore the Primitive Councils of the Christian Church enjoined repentance and other spiritual punishments in the case of *Sacrificing to Idols, eating in their Temples,* and the like, and that whether through compulsion or otherwise : So the *Ancyran* Councils, *Can. 8.* and *Can. 1, 2, 3, 4, 5, 6, 7,* and so others.

Concil. Ancyran. apud Garanz. Vid.

3. And Lastly, and positively, in respect to both the Magistrate and the People : But yet the Magistrate, on his part, may compel them on their part, in an elective and relative sense (*i. e.*) either to change the soyle, or suffer present penalties, even to Martyrdom, and death it self, if he see cause (as was above in the beginning of this discourse implied) or else to unite with the National Profession. And this is practised, and hath ever been in all Societies, and is a Right necessary to the support of the welfare of the Magistrates Charge, and belongs to him by vertue of his Supream Power over all ; and both by the Law Natural and Divine ; by the first primarily and fundamentally ; and by the second, secondarily, and by content : And that also because it is the only natural way for securing the Magistrates Charge, there being no room for any effect to be expected from Church censures in this Case. *Quid Ecclesia ?* sayes Beza, *Nempe ex verbo Dei, si infelix ille corrigi alia ratione non potuerit ; Satana eum tradet, ut discat non blasphemare. Ille contra sese libens, & ultro ab Ecclesia sejunget. Esto igitur in Ecclesia Magistratus Christianus. What can the Church do (viz.) according to the direction of the Word of God, if that unhappy person may not be otherwise amended ? it will deliver him to Satan, that he may learn not to blaspheme. He on the contrary willingly, and of his own accord, will separate himself from the Church. Let there be therefore in the Church a Christian Magistrate.*

Lib. 1. Cap. 1. §. 8.

De Hereticis magistratu puniend. Arg. 1. In confirm. propo. Quæst.

XIV. The second *Question* or *Querie*, is, *How far forth the Faith once delivered to the Church ought to be contended for ?* The Second.

Answ. 1. The terms of the question, suppose it to be the Faith indeed, which is contended for ; for else it is in it self either thankless, or sinful, to contend for it.

2. This *Question* is to be determined according to the more general determination of the lawfulness or unlawfulness of Religious Contentts above stated : And that is, so far forth as it doth make to the hurt of any part of the charge of the Magistrate ; and that either simply or comparatively, it ought not to be contended for. And the Reasons for this are evident (*viz.*) because the Christian Religion is not suppos'd to command any thing as a duty, which may render either it hurtful to it self, or else to Humane Society.

Lib. 2. Cap. 1. §. 4.

3. And Lastly: The affirmative then is imply'd in this Negative; That so far forth as it makes to the benefit of the Magistrates Charge, it may and ought to be contended for. And these general Rules are to be apply'd to all particular cases. But yet because all publick contentions are ordinarily dangerous, and men do seldom proceed regularly, and as they ought to do, in these Religious-Contentests; therefore it is that, both in their venting and managing of them, they do use to be the more narrowly watch'd over by the Laws of all Ecclesiastical Uniformities.

CHAP. V.

How the *Canon and Liturgy* ought to be *Compas-
sed*, in order to their answering to their *General
Ends*.

- I. **A** Due care ought to be taken in the composing of the *Canon and Liturgy*, in order to their serving their general ends. Princes having power of prohibiting Heretical Synods determined.
- II. The first Rule to be observed in it, as to the matter of them. VII. The first Rule to be observed in the composing the *Canon and Liturgy*, in relation to the number of Doctrines, or sub-alternate kinds of forms which they consist of.
- III. The Second. VIII. The Second.
- IV. The first also to be observed, as to the manner of the composing of them; and IX. The last Rule to be observed in the Composition of this the *Canon and Liturgy*.
- V. The Second.
- VI. The case concerning the

I. **T**He *Canon of Doctrines and Liturgy*, being of so great moment as hath been mentioned; it cannot be thought but that a due and proportionable care ought to be taken in the composing of them: And that both as to the matter and manner of their composition: And as to both, in relation to their serving to their general ends. And what those Rules are then that are requisite to be observed in the composition of them accordingly, we come here to describe.

II. And because the third notions of *True and Lawful*, are those under which the national assent is supposed to be given to them; Therefore that is the first Rule that is to be observed as to the matter of them, That all due care be taken, that the *Doctrines of the Canon* be true, and that the forms of the *Liturgy* be lawful to be us'd.

A due care ought to be taken in the composing of the *Canon & Liturgy*, in order to their serving to their general ends.

The first Rule to be observed in it, as to the matter of them.

And this principally for Religions sake, and either as to the procuring or preservation of the welfare of it.

The Second.

III. *As to the quantity and number of Doctrines that is to be comprehended in the Canon, it ought to be regulated according to the occasions of Churches;* as hath been hinted sometimes heretofore: And that because, the publick good, and the welfare of the charge of the Magistrate, being the last and general end of the whole Uniformity it self, and of all instruments of it whatsoever; it must of necessity follow, that the occasions of it are to be served by the Canon in this matter. And the occasions of Churches relating to the whole charge of the Magistrate are either common and ordinary; and in Answer to them, a number of Doctrines sufficient for the ordinary preservation of the welfare of that charge should be set forth in the Canon: Or else they are special and extraordinary; and then the special cases are also severally to be respected. And the like to this also, *Mutatis mutandis*, is to be said concerning the matter of the Liturgy, either as to the quantity, or subalternate and subordinate kinds of it. And whether it consist most either of Prayers, Hymns, Creeds, Lessons, or the like.

The first also to be observed, as to the manner of the composing of them, and that in order to their being true and lawful.

IV. We come then next to the manner of the composing these two grand instruments of an Uniformity; and in relation to that, first of all, in order to the Canon and Liturgy, their being true and lawful. And the first *Rule* to be observed as to that, is, *That they be regulated by Scripture*: And by it, either as to the positive or natural laws of God contained in it: And as to either of them, either by what is expressed in it, or else only implied and deduced by right reason, and rational collection from it. And thus both of them are to be regulated, both as to the nature of the terms (whether more general or particular) that things are expressed in, or else as to the sense or importance of them, where divers Texts and Phrases concerning the same things contribute necessarily and mutually (like candles) to the lightning one another. And so also, as to the phrase and style in which things are expressed, both in the Canon and Liturgy. In the forming of which a great deal of knowledge and wisdom, and prudence is to be made use of, according to the diversities of the occasions of Churches and Countries (I mean principally as to the Liturgy) and the like.

The Second.

V. The ordinary way then for the accomplishing these and all such things, is, *By the making use of a Synod of Divines*; which because it is the last way of finding out truth in this world in matters of Religion; therefore nature directs to the use of it (*i. e.*) generally and ordinarily, and where there is not some special and present reason against it, in any Princes Dominions. And this hath always ordinarily been the way used for the accomplishing such matters in all Ages of the Christian Church, and in all Times and Countries down along the Ages of the world. Innumerable ex-
amples

amples might be given of it : And this Synod of Divines hath thus in the general, and as such, an antecedent and natural right more properly to the handling of such matters before they are convened : And also such a subsequent right, both upon that account, and also more determinately and particularly, by vertue of the power convening them, when they are so convened. And upon these and the like accounts it is, that the use of them ordinarily hath been established, and asserted by the Civil Laws of Countries : and that they, when sitting, have been accounted as the Church National representative (as in *England*, and according to the Laws and Ecclesiastical Constitutions of that Country, although their consultations nevertheless are not laid as Laws upon the People, unless first approv'd of in Parliament, and stamped as such with the Royal Assent;) and therefore it is usual also for the Prince, either by himself alone, or else together with some of the Representatives of his other Estates, to come into conjunction with them ; and that they and he be both of them conjunctly called by the same name of the Church, (*viz.*) the *Church National Representative*. And it is profitable for Societies that it be so (*i. e.*) that their Ecclesiastical Constitutions (and whether purely or only mixtly such) may come under the more sacred notion to the people, and so have the better obedience perform'd to them : Neither hath this any thing of *dolus malus* in it of it self, and so long as the constitutions mentioned are lawful. In the mean time the Rights of the Prince, in relation to this Synod, are alwayes, and in every National Church to be preserved : and that more particularly for the sake of the consistency of Religion with Government. And the Prince hath the Right ;

1. Of convening them.

2. Of governing them and their actions, when sitting ; whether it be negatively in respect to them, and so as that they shall not do any thing prejudicial to the welfare of his charge ; or else positively as to him, and so as that the validity of that which they shall do, and which it shall have from any Humane Authority in the National Church, shall be by vertue ultimately only of his approbation of it.

And then, Thirdly and Lastly, he hath the right also of dismissing and dissolving them, when he sees occasion. And these Rights and Powers of Princes are dictated by nature, and are some of the more particular rights (above mentioned) which belong to them for the retaining of their more general right of the framing an Uniformity, and have been always really exercised by them in the Christian Church, as is to be seen in the Sessions of the several Councils, and in the relations given of them by the Ecclesiastical Histories, and the like : And the exercise of them is necessary for the securing of their Publick charge. The usurpations then of the *Triple Crown* in this business are evidently unjust : And so are those of the *Scotch* and *English* Presbytery also, who in their desired Go-

N n n

vernment

Lib. 2. Cap. II.
S. 2. and 4.

Vid. Exord. ad
Concil. Aga-
thens. Synodi
Calcedon.
Admon. 1. &
Toler. quarti
exord. & Ni-
cæn. 2. Exord.
Et Concil. Mi-
lev. Can. 11. &
Constantinop.

festi generalis
edition. 1. & A.
gaubens. Can.
40. &c.

Et Miles. Can.

11. apud Car-

ranz. &c.

See the Go-

vernment &

order of the

Church of

Scotland;

Printed, An.

MDCXXII. p.

146. &c.

p. 56. &c. p.

66. &c. in

quarto. And

the 1. Admo-

nition. Para-

graph. Let us

come now to

the third part,

&c. Et de in-

ceptis. And se-

cond Admo-

ni. 1. 7, 8, 9,

10, &c. & 14.

29, 44, 46, 47,

&c. & alibi.

And the late

Assemblies

Confession of

Faith, Edit. 51.

Cap. 3. & alibi.

Polit. Lib. 3. in

princip.

Vid. de Legib.

Dial. 12. propo

fin. & alibi.

The case con-

cerning the

Princes hav-

ing power of

prohibiting

Heretical Sy-

nods deter-

mined.

C. de Hæres. &

Manichæ.

L. Hæretici

Synagoga.

vernment and Order of their Churches, in their Admonitions to the Parliament, in their Confession of Faith, and elsewhere, have claimed the powers mentioned, as due to them in like manner. And the thus claiming these powers directly tends to the Ecclesiastical persons possessing the Supremacy, and converting into a Pope. Last of all, if the Prince at any time shall see cause to consult with such as are not Ecclesiastical persons about Ecclesiastical matters; those persons ought to be such as are of sufficient and fitting abilities for the deliberating upon such sacred and weighty matters: "Ὅτις ἐστὶν ἰατρός, οὗτος ἀδικῶν τὰς ἐκδόσεις ἐν ἰατροῖς, ὅτις δὲ τὰς ἀμύας ἐν τοῖς ὁμοῖοις: For as it behoves a Physitian to give an account in matters of physick amongst physitians; so doth it behove others also to do the like in the like things of their profession, sayes Aristotle. And Plato in his Common-weal, would have a Sanctius Collegium, Some more venerable convention of persons of integrity and knowledge, and experience, and age, and none less then thirty years old, for the defence and safe-guarding even of his common and ordinary laws.

V I. The Case then concerning the Princes having power of prohibiting Heretical Synods, is from hence easily to be determined: For if they shall have a right of fitting, and of making what Constitutions they please, and of framing what Doctrines they please, and the like; (although they are not under the notion of having publick Authority on their side) yet if they shall but make use of the immortal notion of Religion any way for the perswading men of the truth and goodness of these things, and shall be left at liberty to do it; Who is there amongst Princes that shall be able to stand, or to secure the welfare of any part of his charge in the mean time? Wherefore the Magistrates Right of prohibiting and suppressing these conventions of men is in the same manner dictated by Nature, as we said of the rights of ordering his own National Synod just now. And it belongs to him partly by vertue of his indirect power in Spirituals, and partly by vertue of his Supream Power over all. And in the strain of these things run the Imperial Laws. *Heretici synagoga, seu collectas facere non possunt, aut parasynaxes, aut Synodos, aut ordinationes, aut baptismata, aut exarchos habere, aut paternitates, seu abantias, aut defensiones instituere, aut curare seu administrare villas, per seipsos, aut per interpositas personas, aut quid prohibitorum facere: Qui transgressus hac fuerit ultimum supplicium luit*, sayes the Emperour Justinus: That, Hereticks could not make gatherings together, or collections, or have conventions, or synods, or ordinations, or baptisms, or presidents over them, or institute paternities, or abacies, or defensions of Societies, or take care of, or administer the Government of Towns, either by themselves or by others, or do any of those things which were prohibited them: and he which did transgress these things was to suffer death. And again, *Heretici, communicantes, aut synaxes, aut baptismata facientes, puniuntur*

*niuntur ut qui Leges transgrediuntur : & qui domos ipsi ad hoc præbent, jam sancitis penis subjiciuntur: Soli Orthodoxi, intra sacra septa habentes Ergasteria, utuntur privilegiis : That Hereticks, either communicating or making Assemblies or Baptisms, were punished as those who did transgress the Laws: And those who did afford them houses for those ends, were subjected to the established punishments : And only those who were Orthodox, and had their places of commerce within the due bounds, did enjoy the priviledges, and the like. And last of all, if it be asked here, which are Heretical Synods? Truly that must of necessity, from his right of prohibiting them, be left to the Supream Magistrate in every Country to determine. And although it be from the connotation of the terms, that that Synod only is in it self Heretical, which any wayes tends to the promoting of Heresie; yet the Chief Magistrate ordinarily determines every Synod to be so, which he judges to be so, and which in such a way (as he deemeth) separates from his national Church. And it cannot be helped, but that it must be so: Neither, *rebus sic stantibus*, and as things stand in the world, is there any other temper, or general fixation to be found out for the Governours of Humane Societies in this business? And the Universal Government of them, and the Supream swaying of their affairs in the meantime, is to be left to the Divine Providence, to order it as it shall please; and men are to acquiesce in a due manner under them, and with prayers and supplications for them.*

C. Eodem L.
Hæretici Com-
municantes.

VII. We come then next to the *Rules* to be observed in the manner of composing the Canon and Liturgy, which relate to the number of Doctrines, or subalternate kinds of forms, which they are to consist of: And the first of them is, *That the Magistrates and Churches Power of enjoyning indifferent things (as adjuncts of publick Worship, and Rites and customary Ceremonies peculiar to such or such a National Church) be conceded to them: And that in relation to the welfare both of Religion and Government; and therefore it ought accordingly to be conceded to them: That they may assert them, or propound and enjoin them to be used, either in the Canon or Liturgy in either of their capacities. And this right belongs to the Magistrate, and Church National representative made use of by him in either of those wayes which we have mentioned; and is one of the more particular rights belonging to the Magistrate Supreamly, and in his way, for the support of his more general right of the framing his Uniformity. And the Magistrate hath alwayes, and in all Churches retained this right, and that in the latitude of it, and in both its parts, both that of prohibiting, as well as of enjoyning such and such things to be used, as the adjuncts of Divine Worship. So amongst the Romans, It is recorded as one of the Laws of the twelve Tables. *Mulieres. Genas. ne. radunto. faciem. ne. carpunto. neve. lesun. funeris. ergo. habento.* Let not the*

The first Rule
to be observ-
ed in the com-
posing the Ca-
non and Li-
turgy, in rela-
tion to the
number of
doctrines, or
subalternate
kinds of forms
which they
consist of.

In fragment.
12. Tab. propo-
fin.

Prope Med. C.
1566.
Prope Med.
98. & alibi.
De turcarum
ritu, &c. Capit.

chap 3. Of the
Lords Supper.

F. De Reg. jur.
Reg. 28.
F. de legibus
& Se-
natu Consult.
Lib. 13. & co-
dem. L. 31.

Lib. 2. Cap. 9.
§. 7.

Women cut their cheeks, nor tear their face, nor make the prohibited lamentation at funerals : The same things which were forbidden, upon somewhat more particular accounts, by Moses his Law before. The like constitutions about sacred things are to be found amongst the Turks at this day. Let *Leunclavius* in his *Supplimentum Anna- lium*, in his *Pandectis Historia Turcica*, *Georgieviz*, and others be looked into. And those that do not constitute an Uniformity in these things in their Churches, it must needs be acknowledged that they leave the people more open to the contesting of them upon any occasion, and that they observe not so good order, and so congruous to Humane Nature in matters of Religion, as those that do otherwise. So in the *Corpus Disciplina*, where it is said to be left free to every one, either to stand, go, or sit, at the receiving of the Lords Supper. And as to those Magistrates that do not at all actually exercise this right of theirs ; let them take heed, that in the mean time they do not in effect, and in the esteem of the people lose it : And that, in the end, it do not come to be positively denyed them. In the interim, Ceremonies or customary adjuncts of Divine Worship are of divers sorts in any National Church. They are either ordinary, or extraordinary ; they are either more or less pompous, and accompanied with outward splendor ; they are either traditional, and merely customary, or else established by written Law, and the like. And concerning the customary ones, those Rules and Responses of the Law are to be observ'd in all Churches both *pro & con* (viz.) *Quod initio vitiosum est, non potest tracta temporis convalescere* : That that which was faulty at first, cannot by any tract of time get force. And, *Quod vero contra rationem juris receptum est, non est producendum ad consequentiam* : That, that which is received against the mind of the Law, is not to be brought into consequence. And, *Diuturna consuetudo, pro Jure & Lege, in iis quæ non ex scripto descendunt, observari solet* : That a continued custom, in those things which are not from written Law, is wont to be observed as Right and Law. Of what sort soever these ceremonies be then, the due Rules belonging to the adjoyning them to the Divine Worship, ought also to be observed in such the adjunction of them : And those are either more general, or more particular ; the more general are, That the quantity and number of them do not exceed, which was reprehended as an extream in an Ecclesiastical Uniformity above : That they be not constituted as parts of worship, neither by assertion, nor in effect. That they be grave, and according to the weight of those holy things which they accompany. That they be suitable to the severall and particular Applications of them, and the like. And the more particular Rules are to be varied according to the severall, either stated or emergent occasions of Churches. Finally, both the more general and more particular are all of them to be measured by this one most general Rule, and that is, That they

be no ways prejudicial to any part of the Magistrates charge, either to Religion or Government, or their mutual consistency. And these are the Rules which all Churches ought to proceed by, and which the Christian Churches profess to proceed by in this business. So those late called Reformed, in their several Confessions. In the latter Helvetian; *Proinde Judæismum videtur reducere aut restituere, si in Ecclesia, ad morem veteris Ecclesiæ, Cæremoniis Ritusve multiplicaremus, &c.* We seem then to reduce and bring back Judaism again, if in the Church, according to the manner of the ancient Church, we should multiply Ceremonies or Religious Rites. So also the Bohemian: *Omnino autem cum hac cautione servare ea oportet, intraq; has metas continere, ne pro fundamentis quibus salus nitatur, aut pro cultu, qui a Deo sine ullo discrimine constitutus sit, habeantur. Neve magis aut arctius quam mandata Dei conscientias hominum obstringant, & his ne se efferrando præferant, &c.* But it behoves us to observe those things in any wise, with this caution, and to contain them within these bounds, (viz.) That they be not accounted fundamentals upon which salvation depends, or for worship, which without any difference is constituted by God, nor that they do not bind the Consciences of men more and more strictly than the Commands of God, and lift themselves up above them. And the like the others, and the other Christian Churches (even that of Rome also) in their several ways, and under their different notions. And the present Church of England in its Prefatories to the Liturgy; *The particular forms of Divine Worship, and the Rites and Ceremonies appointed to be used therein, being things in their own nature indifferent and alterable, and so acknowledged; it is but reasonable, that upon weighty and important considerations, according to the various exigency of times and occasions, such changes and alterations should be made therein, as to those that are in place of Authority should from time to time seem either necessary or expedient.* And again, *Some Ceremonies are put away, because the great excess and multitude of them hath so increased, &c.* And afterwards, *and moreover the other which remain be neither dark nor dumb Ceremonies, but are so set forth, that every man may understand what they do mean, and to what use they do serve: and the like.* In the next place then, the ends for which these Ceremonies and Circumstances attending the Publick Worship are usually, and ought to be appointed, are evident, both from Scripture and otherwise. In the Scripture the direction is given, that all things that are done in mens external deportment in the Church, be done to edification, and decently, and in order, and the like. The meaning of it is, to the welfare of the publick charge of the Magistrate, in all the parts of it, primarily those of Religion and Government simply taken. And the same reasons, either more generally or particularly are assigned, for the constitution of such Ceremonies and external actions to be used, up and down in the humane

Sectione 17. de ritibus, Cæremoniis, & medicis. In Helvetica Posteriore.

Ibid. in Bohemica.

In the Preface.

Vid. Of Ceremonies, why some be abolished, and some retained. Ibid.

In novo Ra-
tionale.
Lib. 2. Cap. 6.
in princip.

Ibid. paulo
ante.

Ibid.

Ibid. Etiam po-
stea.

Seft. 17. Deri-
vibus & Cave-
mon. & med.
In Helvet. pri-
ore.

In Bohemica,
Ibid.

Et in Gallicis.

Et in Anglica,
Ibid. Etiam.

writings of the several Christian Churches : So, ~~the~~ Roman Ratio-
nales ; Ecclesia utitur ceremoniis, non quod in his externis (si desit
spiritus) fiduciam reponi velit ; sed utitur ceremoniis velut quibus-
dam visibilibus signis, & stimulis Religionis non contemnendis, sayes
De Rubeis ; That the Church useth Ceremonies, not that it would have
any confidence to be put in these external things, if the spirit be want-
ing to them : But it useth Ceremonies as certain visible signs and spurs
to Religion, which are not to be contemned. And a little before :
Sunt quædam solemnitates, quæ adhibentur in sacramentorum admi-
nistratione, quæ alio nomine dicuntur Ceremoniæ : That there are
certain solemnities which are made use of in the Administration of
the Sacraments, which by another name are called Ceremonies. And
again afterwards, Ecclesia accendit in Templis Careos & Luminaria,
ut admoneat, Christum veram lucem, seu Evangelii splendore omnes
tenebras effugasse, in qua luce sit nobis perpetuo tenore inambulan-
dum : That the Church lighteth candles in the places of Divine Wor-
ship and Luminaries, that it may admonish, that Christ the true Light,
by the splendour of his Gospel, hath chased away all darkness, in
which light and splendour we ought perpetually to walk. And after-
wards also ; Amplius ait Concl. & Catechism. (meaning the Coun-
cil of Trent, and the Catechismus ad Parochos) locis citatis, esse ne-
cessarium cognoscere ritus & illorum significationem ; ratione qua-
dam, scilicet, quia magna erit utilitas Ceremoniarum, si earum
significatio non ignoretur : That the Council and Catechism, in the
places cited, sayes, that it is necessary to know the Holy Rites, and
their signification in some manner, (viz.) because great will be the
profit of the Ceremonies, if their signification be not unknown, and
the like others. And the like also the Confessions of the Reformed
Churches : So the former Helvetian, Quæ media vocantur & sunt
proprie, iis uti vir pius quanquam libere, ubiq; & semper potest ; ta-
men scienter & ex charitate, nempe ad gloriam Dei, & ad Ecclesiæ
proximorumq; edificationem omnibus utetur solum : That a Godly
man may use those things which are called indifferent, and are pro-
perly so, although in all times and places freely ; but yet however he
must use them intelligently, & out of charity, (viz.) to the glory of God,
and the edification of the Church and his neighbours only. So also that
of Bohemia : Sed tantum pro ornamento, Decore, honestaq; specie, &
laudabili Disciplinâ habeantur : But let them be accounted only for an
ornament, for decency, and an honest shew, and commendable Discipline
and order. And so the French Confession ; Et eas tantum admittimus,
quæ fovendæ Concordiæ, & unicuiq; in obedientia debita retinendo
subserviunt : And we admit only those which serve to the cherishing of
concord, and to the retaining of every one in due obedience.

And so the English, De multitudine otiosarum Ceremoniarum
scimus Augustinum graviter suo tempore conquestum esse, &c. Reti-
nemus tamen & colimus non tantum ea quæ scimus tradita fuisse ab
Apostolis,

Apostolis, sed etiam alia quædam quæ nobis videbantur sine Ecclesiæ incommodo ferri posse, &c. We know that St. Augustine in his time did grievously complain of the multitude of idle Ceremonies; but yet we retain and practise not only those things which we know were delivered by the Apostles, but also certain other things which did seem to us, that they might be constituted without any damage to the Church, because we desire all things to be done in the Church (as Paul says) decently and in order: But all those things which we saw to be either very superstitious, or frigid, or uncomely, or ridiculous, or contrary to the Holy Scriptures, or else unworthy of sober men (of which sorts there are an infinite at this day in the Popedom) we have utterly and without any exception rejected, because we will not have the worship of God to be defiled any longer with such kind of toys. And the like the other confessions. And there is no doubt but that an Uniformity in these things will conduce to order, nor but that the peoples exercising themselves intelligently in their practise and use of them will put them in mind of the obedience they owe to Discipline and Government; Nor but that their stirring up men, in a common moral way (suitable to their Humane Institution, and according to the several intentions of their divers significations) will conduce to edification, and the like. Other things might be said concerning them. In the interim, the controversy concerning these matters in the Church of *England* hath been largely handled and debated; and that by the first undertakers of it in the main; their Books are to be seen both *Pro & Con*: but whosoever will read them, let them weigh things on both sides, according to the Laws and Rules of an Ecclesiastical Uniformity here laid down, and in a due manner; and then he will have afforded the Church her due. In the mean time, the Church is not worthy of blame for being tender of her Authority in this matter. In the conference at *Hampton Court*, when the impeachment of Christian Liberty was urged against the imposition of these things in *England*; King James was much moved, and told the Opponent; That he would not argue that point with him, but answer therein as Kings are wont to speak in Parliament; *Le Roy S'aviserá*: Adding withal, That it smelled very rankly of Anabaptism, &c. And therefore charged him never to speak more in that point; how far he was bound to obey, when the Church had ordained Laws. Last of all, such Ceremonies or circumstances attending Divine Worship may, by some advenient or extrinsecal reasons, and in some particular cases, be made more or less particularly requisite to the support of the welfare of any part of the charge of the Magistrate in any National Church; which is the case of the Church of *England* at present, in respect to the continuation of the use of her Established Ceremonies: And hath been heretofore, both on that and the other part of these things, in many other Churches.

Pro. See Dr. Mortons Defence, worthy to be read. *Con.* The Reply to it, both parts.

Pro. Dr. Burges his Replynder, in answer to that.

Con. Dr. Ames his fresh suit, in answer to that.

Also, *Altare Damasceum*. The English, Popish Ceremonies, said to be Gellaspies, &c.

See, the Conference at *Hampton Court* by Dr. Barlow. p. 70, 71.

The Second.

See the Conference at Hampton Court. p. 4. p. 20.

p. 79.

See the first & second Admonitions; and a Directory of Church Government, found in the study of Mr. Cartwright. And the reformation of Discipline, &c. used in the Engl. Church at Geneva,

VIII. We come to the second *Rule* then to be observed also in this business concerning the Canon and Liturgy : And that is, *That the Magistrates and Churches Right of asserting their due and Establish'd Church Government be also conceded to them* : And, that whether that Government be either of a later or more ancient date, as to the actual erection of it in any National Church. And this is a Right ordinarily of necessity belonging to the Supream Magistrate for the support of his Government in the State. And by the Church Government in any Society, we do not mean here onely the substance of it, but also the way and manner in which it is exercised; for by it it is, that it useth to be more exactly fitted in all Societies to the Government in the State. And from thence it follows, that a change in this matter in the Church ordinarily is not without a change in the State; Many instances might be given in which it hath been so : And then much more also will a change in the substance of it make a change in the State. *King James* at his first coming into *England*, did often recite that saying, *No Bishop No King*. And in the Conference at *Hampton Court*, he vouch'd it from his own experience that he had of the Presbyterial Government in *Scotland*, and that which was endeavoured to be establish'd there, *That the Sovereignty of a Prince could not consist with it*. He said, that in *Scotland* he was a King without State, and that he was kept as a Ward by the Puritans there : That he was without Honour, without Order, and brav'd to his face by every beardless Boy of the Ministers. That if the same Presbiter, that was in *Scotland* should come into *England*, it would agree as well with Monarchy as God with the Devil: And then Jack, and Tom, and Will, and Dick, said he (meaning the Lay Elders of the Consistories, even in very pittiful Country Parish) shall meet, and at their pleasures censure me and my Councel and all our proceedings. Then Will shall stand up and say, it shall be thus; Then Dick shall reply and say, No marry, But we will have it thus; And therefore here, said he, I must once again reiterate my former speech, *Le Roy S'avisevá, Stay I pray you for one seven years before you demand that of me*. It is not for no cause then that the bringing in of this Government hath been so much opposed by the late Kings of *England*, who are bound both to God and their People, and as their Establish'd Government is both their Right and their Charge, not to part with those Rights with which God hath invested them for the common welfare; and especially since the Government endeavoured would turn their Scepter into a straw, and the hand that wields it, into the hand of a child. Let the form of the Government, as it hath been published under several hands be consulted : Let its parity of Ministers; its deferring particular affairs of Congregations to the wild body of the People in them (but the Ministers having a superintendency over them in the mean time) be considered of, and whither these and the like things do tend. The

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mon saying is, to the setting up of a Pope in every Parish. And then, by that, opportunity will be given (the weakneses of some men; and the corruptions of others being considered) to those who by wit and cunning can outstrip the rest, to divide the Empire amongst them : And whither such Latitudes and Confusions may tend in the end, who can foresee? The Magistrates hands being manac'd, and the Ecclesiastical person being so independent upon him; they that can out-strip the rest, may turn into a *Conclave*; and he that can out-strip them, into an *Universal Pope* at last, if he will. If the instances of Presbiterie practised in other Countries, be made against these things, and how they have consisted with the State; it is evident that there are none such practised, neither in the *Low Countries*, nor at *Geneva*, nor elsewhere, as in the particulars up and down in this Discourse mentioned have been proposed for *England*. And yet not any one of the patterns for *England* hath attained the general liking of its friends neither. And then what will be the end of these things, who can foresee? Last of all, as to the present established Episcopacy in *England*; the controverſie concerning it, as well as that concerning the Ceremonies, hath been also largely handled : The many writings both *Pro & Con* concerning it may be seen. And so far forth as the order and office of Episcopacy in the general is concern'd in this Discourse, and an Ecclesiastical Uniformity, as we have spoken of it heretofore, so also we shall speak of it hereafter. And if the concession of Baronies to the persons of those that discharge the Episcopal function in *England* be thought much of, what reason is there why the King should not have his Church-men and the Clergy their part in Parliament? And this also, the particular constitution of the Government of *England* being considered. The *Emperour Leo* in the Civil Law, calls the Superiour Clergy-men, *Ecclesiæ Defensores*; *The Defenders of the Church*. And all Laws and Countries have ordinarily ever privileged Church-men beyond others, if it were but for Gods sake (to whose Service they are more particularly devoted) and for the Honour of Religions sake, which ought alwayes to be supported. *Sacerdotio obveniente*, sayes *Paulus* in his Digests, *Videamus an cogatur arbiter sententiam dicere: Id enim non tantum honori personarum, sed & Majestati Dei indulgetur, cujus sacris vacare sacerdotes oportet: The Priesthood coming in the way, let us see whether the Umpire be constrained to pronounce Sentence: For that is not only indulg'd to the Honour of their persons, but also to the Majesty of God, whose service it behoves the Priests to be at leasure for.* And it was *Padre Paulo's* complaint concerning the Affairs of *Venice*, That

And the Government & order of the Church of Scotland. And *Leys* Platform of the Government, called *Presbyterial*. And the form of Church government agreed upon by the Lords and Commons, An. 1648 compared with certain considerations and cautions agreed upon by the Ministers of *London* and *Westminster*. See the discipline of the *Dutch Churches*, and the Laws and Statutes, &c. See *Pro. Dr. Whitgift's* Answer to the Admonition to the Parliament. *Con. Cartwright's* reply made to him. *Pro. Dr. Whitgift's* Defence of his Answer. *Con. Mr. Cartwright's* second reply to it. *Pro. The Bp. of Rochester's* sermon concerning the Antiquity & superiority of Bps. at Hampton Court, and the perpetual Government of the Church, by *Tho. Bilson* and *Bp. Hollis*

Episcopacy by Divine Right. And Episcopacy asserted by *Jer. Taylor*, &c. *Con. Bayne's* Diocesan's Tryal, and assertion of the Government of the Church of Scotland, Edit. 1641. And the Lord *Brook* against Episcopacy, 42. And *Rutherford's* Plea for *Pauls* Presbiterie, 42. &c. *C. De Legib. & constitutionibus. L. qui Imperatore. D. De recept. Arbitr. L. non distinguimus*, ¶ *Sacerdotio obveniente, ubi Paulus.*

See the History of the Inquisition, Cap. 28.

See Hist. of the Council of Trent, Fol. 721.

the Common Wealth, as well as other Catholick Kingdoms, found it self between two Contraries; the Protestants, who had no other aim but to diminish Ecclesiastical Authority; and the Court of Rome, which would too much encrease it, and make the Temporal her Servant. In the last place, as to those in any Society whatsoever, that cry out in these latter times, to have every punctilio in the mode of the exercise of Church Government reduc'd to what they do at uncertainties fancy to have been heretofore Apostolical; they are to be answered as Laynez in the Tridentine Council, answered, perhaps truly, concerning some things in the Court of Rome; That many did call those things abuses, which if they were examined and sounded to the bottom, would be found to be either necessary or profitable; And that some would make the Sea of Rome to be as it was in the time of the Apostles and the Primitive Church, without distinguishing the times, not knowing what doth belong to those, and what to these. And, in the mean time, he that will weigh the temper and manner of exercise of the Government in any Church; let him remember also to do it, according to the just Laws and Rules of an Ecclesiastical Uniformity.

The last Rule to be observed in the composition of this the Canon and Liturgy.

IX. These things then being said, we come to the last Rule to be observ'd in the composition of the Canon and Liturgy, which have been all along hitherto mention'd; And that is, *That the Magistrate have the last act of supervising them, and passing them, (viz.) by his Legislative power, or under his Great Seal, or the like.* And this both from his general right to the framing his Uniformity in the positive part of it, and also from his right of restraint upon opinions, which is consequent upon it, and hath been heretofore mentioned. And this also in order to the preservation of the welfare both of Religion and Government, and the consistency of Religion with Government; of each of them in their several respects, and so far forth as either absolute or relative welfare may be concern'd in this business of the Canon and Liturgy, and when they shall be supposed to be extant. And this hath been pointed at as an act of Authority in the Magistrate heretofore; but it is meant here principally as an act of caution: not but that any other Doctrines, which are not particularly and expressly mentioned in the Canon (so long only as they be according to the tenour of it) may be ordinarily taught to the people: but only the principal points of caution are, both positively, that the Doctrines expressed in the Canon should be true; and also negatively, that none aliene from them, or contradictory to them, should be so taught to the people. And the like also are the respects that this cautionary act hath to the Liturgy: not that it absolutely and universally excludes the use of any other forms or ways of worship, then what are set down expressly in the stated body and volume of the Liturgy, (only so they be according to the intent and tenour of them) but onely that it intends positively to see that those set down in the Liturgy be lawful; and negatively

Lib. 2. Cap. 7.
§ 15. & alibi.

Lib. 3. Cap. 3.
§ 15.

negatively, that none any ways detracting from them, or utterly contradictory to them, be used in publick. And this then being the last act of the Magistrate in the framing his Uniformity, it presupposeth all former acts requisite in order to it, and supposeth comprehensively its passing thus upon all the matters of the Uniformity mentioned. And this not only for the several reasons which have been more particularly and topically mentioned heretofore; but also because, there being many in all Societies (and such as ever will be) whose both opinions and practises in Religion will be always brute, and led only by custome; better it were that both their doctrines and worship should be thus provided for them and secured (as far forth as humane condition in this world will permit) then that they should be otherwise left open to the seduction of Hereticks, and the wild and pernicious ways of the several sorts of deceivers. And as to others, who are led by reason, there is still room for the exercise of their judgment of discerning in relation to all these things in the mean time.

CHAP. VI.

What are the *Uses* that are to be made of the *Canon* and *Liturgy* by the *Members* of any *National Church*.

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| <p>I. The Church and Magistrates Aimes in the Canon and Liturgy downwards described.</p> <p>II. The manner in which the People are to make use of them.</p> <p>III. The first particular kind</p> | <p>of use to be made of them.</p> <p>IV. The Second.</p> <p>V. The Third.</p> <p>VI. The Fourth.</p> <p>VII. The Fifth and Last.</p> <p>VIII. The Corollary subjoyn'd to these things.</p> |
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The Church and Magistrates aims in the Canon & Liturgy downwards described.

Lib. 2. Cap. 7.
S. 10, 11, 12.
Et alibi supra
Et infra.

The manner in which the people are to make use of them.

I. **T**he Canon and Liturgy are now in this period of our Discourse supposed to be extant : And as we have formerly described the Church and Magistrates aims in them upwards, and in a more direct relation to the preserving the welfare of the Supream Publick Charge ; so here we come to describe also their aims in them downwards, and as to the people making use of them in a more direct relation to their Uniformity of profession, and use of publick worship, which were said above to be the two great *mediums* for charitative communion, in order to the preserving the welfare of that publick charge. And both these sorts of intents of Publick Authority in the Canon and Liturgy (both upwards and downwards) are to be carefully heeded, and so far forth as they belong any ways to them, by the members of any National Church.

II. This then being the more general matter of the Church and Magistrates ends in their Canon and Liturgy downwards ; the manner in which the people are intended to make use of them, is, according to their several Offices which they bear, in their order of office in which they stand in an Ecclesiastical Uniformity. And that is, in things Common to them both, of the Canon Primarily, and of the Liturgy secondarily ; and in things distinctly belonging to either ; of either in its own proper and distinct way, in relation to those things.

III. And

III. And the first particular kind of *use* which is thus intended to be made of them, is, in the two fundamental offices distinctly belonging to either: And those are, as the one is intended precisely to be a *Rule of Worship*, and the other in like manner a *Rule of Doctrines*. And so the *uses* to be made of them also, are, *That the one should serve for the performance and exercise of worship towards God, and the other for the practise of Uniformity of profession to be given to it in like manner.*

The first particular kind of use to be made of them.

IV. The Second *Use* to be made of them, is, in a matter common to them both: And that is, *for mens interpretation of all doubtful Phrases in other Writings set forth by Authority, (viz.) Homilies, disciplinary Canons, and the like.* And so the Canon is to be made *use* of Primarily, and for the interpretation of such Phrases, even in the Liturgy it self; and the Liturgy secondarily, and so far forth as it is composed according to it. And the Rules to be held in this interpretation of Phrases is this, That men are to interpret the Phrases in other publick Writings; relating to the Canon and Liturgy, and if doubtful, in an wholesome sence by them; and in like manner also to refer the Canon and Liturgy themselves, if doubtful, in the like wholesome sence, to Scripture. And the other Writings are thus to be referred to the Canon and Liturgy in any National Church, because those two are the two original Humane Rules of Doctrines and Worship, as hath been said. And they themselves also are to be in like manner referred to Scripture, because it is their Original Divine Rule, as was said above also: And as to the Sences, which the severall Assertions, Offices, and Phrases are capable of in such Canons and Liturgies; consideration is to be used for the finding of them out, and the Comments on Canons, and the Rationales on Liturgies, and the like assistant writings are to be consulted, and the just Rules of interpretation (hereafter laid down) are to be made use of in relation to these things. And the same course also is to be held concerning the interpretation of the Original Divine Rule of Scripture in its kind. And, last of all, the wholesome sence in all these things (and not the unwholsome) is still to be presum'd to be that meant by Authority; and that because, as a favourable construction is always to be put upon such writings as have been mention'd set forth by Authority in such a manner, and for so good ends; So also the same Authority doth allow to all their variety of notions, under which to make construction of them, on purpose, that such their construction might be (and as they wish it to be) in it self as far as may be just, and also favourable, as to them. And by this Rule do all Churches intend that men should proceed in this matter: And it is the last and only Rule they have to fix upon. So the *Church of England* particularly, after the many sharp ventilations of these things in it, and in the defence and justification of its present Liturgy, and the former established; *We are fully perswaded* (say they)

The Second.

Lib. 3. Cap. 1.
§. 2. 12. *Gr.*

Infra Cap. 2.

See the Preface to the Book of Common Prayer.

in our judgments, and do profess it to all the world, that the Book, as it stood before established by Law, doth not contain in it anything contrary to the Word of God, or to sound Doctrine, or which a Godly man may not with good conscience use and submit to; or which is not fairly defensible against any that shall oppose the same, if it shall be allowed such just and favourable construction as in common equity ought to be allowed to all humane writings, especially such as are set forth by Authority, and even to the very best Translations of the Holy Scripture itself. They then are apparently guilty of Schism in any Church, who first construe the doubtful places of Lyturgies and Canons of doctrine in an ill sense, and then construe such sense to be the meaning of Authority, as if it could never be enough either blamed or suspected. Indeed many are the exceptions that have been made both formerly and lately against the *English Lyturgy*: The more general of which, and those that have been made against it particularly as a Lyturgy, we have mentioned above, and its adversaries collections of them. The more particular, and those proper to be recited in this place, as being made against the more particular phrases, and the like things in the several offices and parts of it, are to be seen in the numerous writings (of this sort) of its adversaries also, and which at several times have come forth against it: And so the Answers to these writings, and several defences of the same Lyturgy are to be seen also. To both which sorts of writings we shall refer men concerning these matters, and not abate the edge of our Reader with a tedious recital of them here. In the interim, if a man will answer to the general intents of an Ecclesiastical Uniformity in any Church concerning these sorts of matters, *Interpretari debent cum favore: They must be interpreted with favour*, as is said: So should the phrases of the *English Lyturgy*, extant in the offices of Burial, Churching of Women, and elsewhere, and more popularly excepted against, be dealt with. And certainly a man is to strain very far in this matter, and if it be possible, rather then to put an unwholesome sense upon these sorts of writings set forth by Authority: Much less then is he to be wilfully blind, like him that will not see the Sun, and to stumble as it were at a star that lies shining bright in his way. But the truth of all is, that it is the usual method of such men as would innovate in any Church, and undermine Publick Authority, to cross these Rules here laid down by us concerning these matters; and to give out to the world, as if Authority only were never enough to be blam'd, never enough to be suspected. And when men see that, let them know their ends.

Lib. 3. Cap. 1. §. 9. in fin.

For the exceptions made against the Lyturgy, See a survey of the Book of Common Prayer. Printed, An. 1610. The first Admonition, p. 8. & 2. part. *Ibid* p. 2. &c. And second Admonition, p. 10. &c. And a view of Antichrist his Laws, &c. in a part of the Register, p. 64. 65, by A. Gilbir. An Exception taken against subscription, &c. *Ibid* p. 119, 120, 121, &c.

And a true modest defence of the Petition for Reformation, &c. p. 39, 31, 32, &c. Edit. 1618. And an answer to the Vice Chancellour, &c. p. 2. And Bacon's Considerations, p. 24. &c. And Smetheymus, p. 9. &c. And Reasons shewing the necessity of Reformation, p. 8. 11, 22, 26, &c. For Salvo's to these exceptions also: See Hookers Ecclesiastical Policy, Lib. 5. from Sect 25. to the end. A Defence of the Liturgy, &c. Edit. 1630. worthy to be read. And the Christian Divinity contained in the Divine Service, &c. 1631. And Dr. Covells modest Examination, &c. Cap. 13. And Dr. Hamonds view of the Directory, p. 24, 25, &c.

V. The

V. The third Use then to be made of the Canon and Liturgy in any National Church, and by the members of it, and that also in a matter common to them both, is, *For the determination of mens minds about the use of Ceremonies: And under what notions, and in what senses severally they are propounded to be used.* What particular Doctors teach about them, or the private Expositors, or Controversists of this Age say, is nothing, as to any Authentick ground for mens derivation of their opinions about the Use of them: But it is to be heeded onely what the Church declares concerning them in her Canon of Doctrines and Lyrurgy, and in her Disciplinary Canons, and the like publick writings framed from them, and allowed by the Magistrate; And that because the Church and Magistrate are the only composers of the Canon and Liturgy, and the Authentick Interpreters of them, when composed, and also the imposers of the Ceremonies, or the like things enjoy'd in them, or in any other more derivative writings belonging thus to their Uniformity. And concerning the Church and Magistrate also in this matter, these Rules are to be observed, (*viz.*) *That they do ordinarily express so much as they do intend decifely to say concerning these their enjoy'd Ceremonies, either in the Canon or Liturgy, or else in some other Authentick writings of theirs explicatory of them; And that where they do not make such impression, they do reserve farther explication to themselves upon occasion, as the light of Nature dictates to them to do in things so mainly concerning the publick welfare; and not to leave them to others. Lastly, That in the mean time, in both these cases mentioned, They do leave men to use their due liberty of judgement of discerning, and to resolve themselves concerning these and the like matters.* And that also in a greater Latitude in the last of these two cases, (*viz.*) for that very reason, because they have not defin'd nor particularly declar'd themselves: Only men are still to look to it, that they do not any ways vent such their judgments and resolutions to the hurt of the Publick Charge. The case in the general concerning this use of Ceremonies in any National Church is evidently weighty in it self: And it is sometimes made farther weighty by accidental contests. And whether the Ceremonies in any Church be either established by written Law; or Custome, or of what sort soever they be; this use is to be made, and according to these Rules mentioned, and that also either more immediately or mediately, of the Canon and Liturgy concerning them.

VI. We come next to their Fourth Use, common to them both also; And that is, *For the like determination of mens minds about the form of Government used in any Church.* And under what notion, and in what sense profession of assent is supposed and required to be made to it also (*viz.*) in any Oaths taken concerning it, or subscriptions made to it, or in any the like kind of testimonials of submission to be given in to it by the members of such a Church. And

cerning this also, the same things are to be heeded, and the same Rules are to be observed, (i. e.) proportionably, and according to their suitable respects to this matter, as were mentioned just now concerning the other. And the case concerning this also being in it self weighty, and because it is many times contested; therefore the third notion, under which the Church requires the profession of assent to be made to her establish'd Government, useth also to be expressed in some of her publick writings: And where it is not, the power of interpretation is however reserv'd.

The fifth and last.

VII. The Fifth and last Use thus to be made then of the Canon and Lyturgy is yet still common to them both also. And as it is of great convenience to the people on their part, so it is in like manner of very great moment towards the welfare of the publick charge of the Magistrate: And that use to be made of them, is, *For the Interpretation of the Magistrates mind and ends in all publick declarations and subscriptions propounded by him to be made, in all Church and State Oaths, and the like, in like manner propounded by him to be taken within his Territories.* And, as to this, men may be sure that whatsoever the immediate matter and intent of such assurances taken of them may be, yet still the Magistrates last and general ends in them are the same with those of the Canon and Lyturgy (mentioned) in his Ecclesiastical Uniformity (*viz.*) the welfare of Religion and Government, and the consistency of Religion with Government: And there is not any other centre for his publick actions, aimes and endeavours (whatsoever they be) to tend to, and terminate in, in his management of his affairs. And then, *Quoties idem Sermo duas sententias exprimit, ea potissimum excipiat quæ rei gerendæ aptior est*, says Julianus the Civilian: That, so often as the same form of speech expresseth seemingly two meanings, that is rather to be understood, which is more suitable to the affair it concerns. And this use is to be made of the Canon and Liturgy in these matters; whatsoever the present circumstances of mens cases may be, at any time, or in any juncture of humane affairs, (*viz.*) the welfare of Religion, and of the present Lawful Government, and the consistency of Religion with it, is to be attended to by them.

De Reg. Jur.
F. Reg. 67.


The Corollary
subjoyn'd to
these things.

VIII. Last of all, these concessions then of the peoples so making use of the Canon and Liturgy (as hath been heretofore mentioned) are some of those derivative Latitudes and Liberties belonging to them in order to their performance of obedience to the Laws of Princes, and their Ecclesiastical Uniformities.

CHAP. VII.

What is the *Doctrin* of the Church in the Canon and Liturgy?

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| <p>I. THe several sorts of Doctrines in the Canon and Liturgy assigned:</p> <p>II. The Doctrin of the Church distinguished.</p> <p>III. The Doctrines of the Canon and Liturgy assigned in the general.</p> <p>IV. The more particular distinction of them.</p> <p>V. The first sort of them.</p> | <p>VI. The Second.</p> <p>VII. The conclusive Rule to be observed concerning the distinguishing of those Doctrines.</p> <p>VIII. Two conclusive Propositions subjoyned to the main matters of this Chapter.</p> <p>IX. The first of them.</p> <p>X. The second.</p> |
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I.  E have defined the Canon to be the Rule or Standard of Doctrines for profession of assent to be made to in any National Church : And it hath been asserted, That the Liturgy ought to be fram'd according to it. We come here to assign, what is the Doctrin of the Church in them both, and in each of them in its several capacity : And what are the several sorts of it; that profession of assent may be made to it accordingly.

The several sorts of Doctrines in the Canon & Liturgy assigned.

Supra Lib. 3. Cap. 1. §. 2. *Ibid.* §. 6.

II. The Doctrin of any National Church then holding an Uniformity, is such, either originally (which is that expressed in the Canon) or else by further explication and interpretation : And that again is such, either *pro perpetuo* and fixedly (which is more principally and primarily, that in the Liturgy) or else less principally and secondarily, that in the more derivative publick writings) or else it is such only *pro tempore*; and upon occasion of emergent controversies : And that again is, such either as defin'd by the Church and Magistrate immediately, or else by their Delegates upon any occasion, requiring their resolution of cases : And both those again are such, either by word or by writing. The most of these sorts of the Churches Doctrines we have given hints of here

The doctrine of the Church distinguished.

and there already, and as we have proceeded in this Discourse : But it is evident, that that which we expressly enquire after here, is the Original Doctrine of the Church primarily ; and its Doctrine by further explication, which is in the Liturgy, secondarily. And what both these sorts of Doctrines are, we shall absolve presently, and in a very few words. And the like distinctions of Doctrines which are in the more derivative writings of the Church, will be sufficiently imply'd in this our description of those two sorts only here.

The Do-
ctrines of the
Canon and Li-
turgy assign'd
in the gene-
ral.

III. More generally then, *The whole Canon is the declared Doctrine of the Church* : That being the designed Office of it in an Ecclesiastical Uniformity (as is said) Systematically to comprehend such the professed Doctrines of any Church : And so *The whole substance of Doctrines also in the Liturgy, are the declared Doctrines of any such Church in their way also.*

The more
particular di-
stinction of
them.

IV. More particularly, the Doctrines of the Canon and Liturgy may be distinguished into divers sorts ; either such as concern Religion or Government, either in the Church, or in the state ; and that as they are, in relation to all these, either fundamental, or not fundamental : And the fundamental, either as they are primarily or secondarily so. But it is not these Doctrines of the Canon and Liturgy, as they concern either Religion or Government, or both, in the consistency of each with other, that we are to consider of here. But we are to consider of the Doctrines of the Canon and Liturgy as such only, and so (formally) as being set forth by the Church in them : And so also in relation to the profession of assent that is to be given to them as such also by the members of any National Church. And those Doctrines then are to be distinguished from the phrase and terms, and the like, in which they are set down and expressed in the Canon and Liturgy. For, *Verba sunt nihil aliud quam notæ rerum, declarantes animi voluntatisq; passionis*, says Cicero : That, words are nothing else but notes of things, declaring the passions of the mind and will. And, Plato in his Definitions, *Definitio vox hominis quæ scribi potest, & signum quoddam commune rem declarans* : That, a word is the voice of a man which may be written, and a certain common signe, declaring the thing. And, *Ut Phrygiones e varii coloris filo unum aliquod auleum formant; sic scriptores e mille aliquot particulis coherens opus*: As Broderers do form some one piece of Tapestry out of a thread of divers colours ; so Writers do form also one cohering work out of some thousand particles, and small portions of things. And the distinctions then of the Doctrines of the Canon and Liturgy, as set forth by Authority, Are,

Post Med.

Lipsius in Pre-
fat. ad Politic.

The first sort
of them.

V. In the first place, *The Doctrines expressed in plain and particular terms, are the Doctrines of the Church in the particular and literal sense of those terms.*

VI. And

V I. And so in like manner, *The Doctrines expressed in dubious and general terms, are the Doctrines of the Church also in the dubious and general sense of those terms.* Neither is it to be wondered at, that it is asserted here that they are so; since it is supposed, that both the Canon and Liturgy are regulated by the original Divine Canon of Scripture (as was above mentioned that they ought to be) and that God hath then revealed those Doctrines no further, nor in no other terms in Scripture.

The Second.

Lib. 3. Cap. 5.
§. 4. *Vid.*

VII. And last of all, *Under whatsoever distinctions or sorts of phrases or terms, or the like, the doctrines of the Canon and Liturgy are set down, under the very same still are they the Doctrines of the Church; and they are so to be taken to be declared to be:* Just as the Scripture it self delivers the declared will of God, sometimes in general, sometimes in particular, sometimes in literal, sometimes in figurative terms and expressions, and yet still all is the declared will of God in Scripture, according to those several capacities of it. *Sic loquitur Scriptura*, sayes St. Augustine, *ut altitudine superbos irideat, profunditate attentos terreat, virtute magnos pascet, affabilitate parvulos nutriet:* That, the Scripture so speaks, that it may condemn the proud by its sublimity, affright the attentive by its profundity, feed the strong by its vertue, nourish the weak by its affability. And again, *Ad dignitatem Scriptura pertinet, ut sub una litera multos sensus contineat; ut sic, diversis intellectibus hominum conveniens, unusquisque miretur se in Divina Scriptura posse invenire veritatem quam mente conceperit: ac facilius per hoc contra infideles defenditur; dum si aliquid, quod quisque ex Sacra Scriptura velit intelligere, falsum apparuerit, ad alium sensum recursus possit habere:* That it belongs to the dignity of Scripture, that under one and the same form of words it should contain many senses; that so it being agreeable to the divers understandings of men, every one may wonder that he can find that truth in the Divine Scripture which he shall conceive in his mind: And by this also it is defended the more easily against infidels; whiles that, if any thing appear false, which every one would understand out of the Holy Scripture, there may be recourse had to another sense.

The conclusive Rule to be observ'd concerning the distinguishing of those Doctrines.

Lib. 2. in Gen. c. 19.

De vera Relig.

VIII. We come then to put a period to this matter, by subjoyning two *conclusive propositions* to the two main sorts of things beforementioned in this Chapter: And those are the more general distinctions of the Doctrines of the Church, and the more particular distinctions of the Doctrines of the Canon and Liturgy.

Two conclusive propositions subjoyned to the main matters of this Chapter. The first of them.

IX. The first of these, in relation to the first of these sorts of things then, is, *That those distinctions of the doctrines of the Church (here above delivered) are accordingly to be made, for the salving the several sorts and degrees of Powers and Authorities, which are ordinarily found in all Churches, in this matter, and the determination of it.*

The Second.

X. The second is in like manner in relation to the more particular distinctions of the Doctrines of the Canon and Liturgy: And that is also, That according to the several sorts and distinctions of them, so is the profession of assent (to be made by the members of any National Church (*pro cujuscunque captu & ratione intellectus*: According to every ones capacity and manner of understanding) to be adapted to them also. And this is that which is intended by the Church in their so setting down of those Doctrines, as hath been mentioned; and this is all that is intended or required by them: just as mens devotions (in the case of the Liturgy as such, and in their publick use of it) is to be adapted to the several sorts of the parts of the Offices of it.

CHAP.

CHAP. VIII.

Of the *Interpretation* of the *Canon* and *Liturgy* to be made by *private persons*, and *how* it ought to proceed.

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| <p>I. THe liberty of Interpreting the Canon and Liturgy belongs to private persons as their Right.</p> <p>II. The Interpretation of private persons distinguished.</p> <p>III. The Rules by which they are to proceed in it, assigned in the general.</p> <p>IV. The more particular assignation of them. And first, of those concerning the Interpretation of Words and Phrases.</p> | <p>V. The first of those Rules.</p> <p>VI. The Second.</p> <p>VII. The Rules to be observed in the Interpretation of the sense of the Canon and Liturgy.</p> <p>VIII. The first of them.</p> <p>IX. The Second.</p> <p>X. The Third.</p> <p>XI. The Fourth.</p> <p>XII. The Fifth and Last.</p> <p>XIII. The conclusive caution subjoyned to these things.</p> |
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I. **T**He use of mens judgment of discerning, both by the Natural and Divine Law, being conceded to them above generally, though not universally in respect to the object; and it following from thence, that their liberty of making use of it, for the fixing upon their immediate notions, in respect to the matters of the Canon and Liturgy, belongs to them as their Right by the same Laws, and in its manner also. There ariseth from hence a necessity, that they should have it conceded to them, for the making their several interpretation of these publick writings: And this concession is also one of those derivative liberties belonging to private persons, in relation to their performance of obedience to the Laws of an Ecclesiastical Uniformity.

The liberty of interpreting the Canon & Liturgy belongs to private persons as their right.

II. This interpretation then of private persons, severally and variously, being in it self distinguished from the authentick interpretation

The interpretation of private persons distinguished.

Hic supra Lib.
3. Cap. 7. §. 2
et alibi.
Infra Cap. ult.

Hic supra Lib.
3. Cap. 6. §. 4.

The Rules by
which they
are to pro-
ceed in it, af-
signed in the
general.

The more par-
ticular assigna-
tion of them;
And first, of
those concern-
ing the inter-
pretation
of the words
and phrases.

The first of
those Rules.

pretation of the Canon and Liturgy contained in the more derivative publick writings of the Church (which hath been already mention, and will be further hereafter) and the more remote and general *Rule* for the interpreting the Canon and Liturgy, by the Original Divine Rule of Scripture, having been laid down, and also explicated already: I come here to distinguish of the interpretation of private persons, in relation to the Canon and Liturgy: And that is, either of the Words and Phrases contained in them, and of which they consist; or else of the sense of those Words and Phrases, and which is meant and intended to be expressed by them.

III. The *Rules* then by which men are to proceed for the making this interpretation in this matter, are in the general, *Partly those common to the interpretation of all other writings; and partly those proper to the interpretation of this sort of writings in an Uniformity of Churches.* Those which are common to this sort of writings with all others, are chiefly concerning the interpretation of the terms and phrases; and those proper are also chiefly of the other sort.

IV. More particularly then, first, I come to the *Rules* for interpretation of the words and phrases in the Canon and Liturgy: And those are principally these two, together with their explications. The first concerning vulgar termes, and the second concerning terms of Art, and so in like manner also concerning each sort of phrases.

V. The first *Rule* then concerning the terms and phrases which are trite and vulgar, is this, *That they are ordinarily to be taken according to the vulgar and popular use and acceptation of them.* And in relation to this sort of words and phrases, principally and most properly, is that *Rule* true, concerning use and custome, as to all sorts of writings. That it is it,

Quem penes arbitrium est, & vis, & norma loquendi:

In whose power is, the Government, and Force, and Law of Speech.

And this popular, and customary use of such words and phrases, as are made use of in the Canon and Liturgy, is to be observ'd by every one; either what it is, or hath been, in every National Church and Society of men. And it is ordinarily to be presum'd, that the composers of the Canon and Liturgy (making use of such kinds of words and phrases in the composing of them) do ordinarily intend them to signifie in their own common and ordinary way.

The Second.

VI. The Second *Rule* is, concerning words of Art, and that kind of phrases also: And such Grammatical and Artificial words, are either literal, or figurative. And the phrases compounded of them are accordingly: And the *Rule* to be held concerning them, is, more generally,

generally, and in either capacity of them, That, *Artis vocabula ex Arte & Autoritate prudentium sunt interpretanda*: Words of Art are to be interpreted from Art and the Authority of wise men: And more particularly, That we should never depart from the literal signification of them; *Nisi ad absurdum vitandum, & ubi cogimur ex consequentia*; Unless it be to avoid an absurdity, and where we are constrained to do it by some consequence of things. And as to the several sorts of tropes and figures usual in writings, the Rhetoricians and Artists in that kind are to be consulted. And although it be true, that the Canon of Doctrines in any National Church (being a systematical explication of the original Divine Canon (as hath been said) is presumed ordinarily to be as plain as such may be; yet because the Scripture it self delivers the Doctrines of God sometimes in general, and sometimes in particular, sometimes in literal, sometimes in figurative terms, (as hath been said also) therefore it is not to be wondered at, if the Canon, in its delivery of them, according to the exemplar of Scripture, sometimes at least, and according to the occasions of it, consist of such kind of terms also.

Hic supra Lib. 3. Cap. 7. §. 7.

VII. These Rules then concerning the interpretation of the words and phrases of the Canon and Liturgy, being thus briefly laid down; we come next to those to be observ'd concerning the Doctrinal and Hypothetical sense of those words and phrases, of which the Canon and Liturgy consist, and which is next to be interpreted.

The Rules to be observed in the interpretation of the sense of the Canon & Liturgy.

VIII. And for the finding out of the sense of the Canon and Liturgy, to be referred to Scripture in the first place, the ordinary Rules common to the interpretation of all writings are to be made use of. Such are *the comparing the Text with the Context, and one place with another*, and the like: And these proportionably, and according to the capacities of the several Canons and Liturgies in several Churches.

The first of them.

IX. In the second place, *The more derivative writings of the Church are to be consulted*: For we have all along laid down them as the authentick and further interpretations of these more primary publick writings.

The Second.

X. *The mind of the Law-giver (always proper to this sort of writings) is in the next place to be remembered*: And that is, that every thing should be so construed as may make most to the welfare of the publick charge (*viz.*) of Religion and Government, and the consistency of each with either. And although the matters of Religion are always supposed to be of the greatest weight, as to the everlasting affairs of another world; yet the immortal notion of it is not so far to over-possess the mind of men (in this business) as to make them forget the consideration of the present lawful Government also (*viz.*) as that Ordinance of God which is of the greatest moment, as to all Humane Affairs, as they are temporal, yea, even as to the temporary and this live's exercise of Religion it self. And the like is to be said of Religion taken in its simple notion; and as it

The Third.

includes also its consistency with Government : So that he that will not erre in the practise of this *Rule*, in the interpreting the Canon and Liturgy, must consider of all these things, both separately, and in conjunction one with another. And this mind of the Lawgiver is to be heeded ;

D. de legib. &
Senatus Con-
sult. L. Scire
Legem.

D. Eodem L.
Contra Legem.

1. In the general; *Scire Leges non hoc est verba earum tenere, sed vim ac potestatem*, says *Celsus*, That this is not to know the Lawes, (viz.) to have the words of them ready, but to understand the force and power of them. And *Paulus*, *Contra Legem facit, qui id facit quod Lex prohibet, in fraudem vero legis facit, qui salvis verbis legis, sententiam ejus circumvenit* : That, he doth against the Law, who doth that which the Law forbids ; but he offers deceit to the Law, who observing the words of the Law only, doth craftily over throw the sense of it.

D. eodem L.
Benignius.

D. eodem L. 2.
proxime se-
quent.

D. de Divers.
Reg. Jur. L. 96

D. eodem L. 68
Hic supra Cap.
6. §. 7.

D. eodem L. 90.

2. In emergent cases, of whatsoever nature they shall be, and upon whatsoever occasion, and particularly, when Authority shall at any time chance to be accused of intending to ruine Religion, and to destroy Godliness, and the like, which is never ordinarily to be believed, although perhaps it may involuntarily erre, in its making choice either of the kind of Religion, or else in its constitutions concerning this or that individual sort of Religion : But otherwise it's intention ordinarily, in the making such constitutions, is onely to render Religion consistent actually with the Government of Humane Societies. And the like is to be said of all other the like particular cases, a due proportion being held to them, and the things mentioned severally ; and whether the cases be more or less doubtful. *Benignius Leges interpretandæ sunt* (says *Celsus* again) *quo voluntas earum conservetur* : That, the Laws are sometimes more favourably to be interpreted, that the mind of them may be preserved. And again also, *In ambigua voce Legis, ea potius accipienda est significatio, quæ vitio caret, præsertim cum etiam voluntas Legis ex hoc colligi possit* : That, in a word of the Law which is doubtful, that signification is rather to be chosen which is not faulty, especially when also the will of the Law may be gathered from it. And *Mæcianus* : *In ambiguis orationibus maxime sententia spectanda est ejus qui eas protulisset* : That, in doubtful speeches, his mind is most of all to be attended to, who deliver'd them. And last of all, that of *Julianus* (which was not long since recited above ;) *Quoties idem sermo duas sententias exprimit, ea potissimum accipiatur quæ rei gerendæ aptior est* : That, so often as the same form of speech expresseth seemingly two sorts of meaning, that is rather to be understood which is more suitable to the affair it concerns. And that of *Sævola*, (particularly concerning the same *equitas congrua* due to the application of the Law to Cases,) *In omnibus quidem, maxime tamen in jure, equitas spectanda sit* : That, indeed in all things, but most of all in Law, Equity is to be had regard to.

XI. In the next place, *The Authority of the Church, composing the Canon and Liturgy, should in all things weigh considerably with men:* But, *In valde dubiis & scrupulosis, In things very dubious and scrupulous, quite turn the scale with them, (i.e.)* So as that they should not be too easie, and too hasty in making conclusions against those publick writings, or the truth or lawfulness of any thing contained in them, (*viz.*) so as that they cannot either refer them to Scripture, nor consequently assent to them under any immediate notion at all, amongst those that may perhaps be considered of as belonging to them. And thus much is certainly due to the grave Authority of any National Church, in respect to the particular, and in themselves generally, far more fallible judgments of private men. *Septimo mense nasci perfectum partum jam receptum est, propter Authoritatem doctissimi viri Hippocratis; & ideo credendum est eum, qui ex justis nuptiis septimo mense natus est, justum filium esse,* says the Text in the body of the Civil Law: *That it was a received opinion, from the Authority of the most learned Hippocrates, that in the seventh moneth a perfect child might be born; and therefore it was to be believed, that he which was born in the seventh month after lawful marriage, was a lawfully begotten Son.* And Plato, in the case of doubtful propriety; *Verum si apud Magistratus res, de qua agitur, conscripta non sit; tunc apud tres inter Magistratus seniores usq; ad latam sententiam deponatur:* But, says he, *if the matter, concerning which is the contest, be not registred in the Publick Office, then let it be referred to three of the Elder Magistrates for them to decide it.*

The Fourth.

D. de statu hominum, l. septimo mense.

De legib. Dial. II. ad princip.

XII. Last of all, the way of interpretation, *Ex conjecturis*, called by the Rhetoricians, *ἔξ ἀπορίων*, and made use of by the Civilians, and all other Faculties in their several ways, and according to the subject-matter of their occasions, is to be made use of also in relation to the Canon and Liturgy, and in the ways proper to the subject-matter of the occasions belonging to them. But the sum of all is, both in relation to this, and all other particular ways of interpretation, and in relation to these mentioned, and all other sorts of writings; that there is one universal interpretour, and that is, that which needs not the commendation neither of Plato nor Socrates, which is not directed to, only either by the Law of Moses, or that of Christ, but by the very humane nature it self; and that is, *Right Reason*: This is the sum of all Professions, Arts, and Sciences, and Learning amongst men. This is above the greatest of all Humane Authorities. This is the intent and complement of all Councils and Deliberations in this world. This is beyond what can be thought of, or comprehended by man: The rule of the Actions of Angels, nay, of the divinity it self: The Law of Humane Nature: Nay, the very Humane Nature it self. And then, since the Supream Creatour hath appointed all things to proceed in their actions and motions by the Laws of their several natures; what is there left for man to proceed

The Fifth and Last.

by in all things but the Law of his Nature also? What can he, or may he be governed regularly by but Reason?

Nam neq; decipitur ratio, neq; decipit unquam :

For neither is reason deceived, nor doth it ever deceive.

*Ei Deus hanc alta Capitis fundavit in Arce,
Mandatricem operum, prospecturamq; labori :*

*And God hath founded this in the High Tower of the Head,
The commandress of Actions, and the guide of Labour.*

In D. L. Scire
oportet, &
Sufficit. Col. 4.

Idem. 44 L.
Nemo C. de sen.
et interlocut.
Om. judic. ac
Legib. l.

Epist. 77.

De Repub. vel
de Just. Dial.
9. ad fin.

Cap. 20. v. 27.

The conclu-
sive caution
subjoyned to
these things.

And therefore *Baldus*, and the other *Doctors*, in the unfolding their Law, do rightly assert, That it is the weakness of *Humane Intellect* in any cause whatsoever, to seek for a (written) Law, where it finds natural Reason; and that the force of Reason is it, which all mankind is bound to obey. And *Cicero*, *Societatis humane vinculum est ratio & Oratio, quæ dicendo, communicando, disceptando, judicando, conciliat inter homines conjungitq; naturali quadam Societate, neq; ulla re alia absumus a natura ferarum*: That Reason and Speech is the band of *Humane Society*, which by delivering things, by communicating of them, by discoursing, and judging, doth conciliate men, and joyn them by a certain Natural Society; neither do we differ from the nature of beasts by any other thing. And, *Seneca*, *Nam cum sola ratio perficiat hominem, sola ratio perfectum beatum facit; hæc autem unum bonum est, quo uno beatus efficitur, scilicet virtus*: For since only Reason doth perfect the man, perfect Reason only doth make him happy: And this also is the only good by which alone he is made happy, (viz.) Vertue. And *Divine Plato*; At forte in Cælo illius (Civitatis) extat exemplar, &c. But perhaps the pattern of that City is extant in Heaven, (viz.) which is founded and ordered by Reason. And last of all, the Proclaimer of Proverbs, and King of Israel, *Solomon*; The spirit of man is the candle of the Lord, searching all the inward parts of the Belly.

And, Chap. 3. v. 19. the Lord by wisdom hath founded the earth, by understanding hath he established the Heavens.

Vers. 20. By his knowledge the depths are broken up, and the clouds drop down dew.

21. My Son, let them not depart from thine eyes; keep sound wisdom and discretion.

22. So shall they be Life to thy Soul, and Grace to thy Neck.

23. Then shalt thou walk in thy way safely, and thy foot shall not stumble.

24. When thou lyeſt down, thou shalt not be affraid, yea thou shalt lye down, and thy sleep shall be sweet.

XIII. These then being the Rules that are to be proceeded by in this matter; and because we have heretofore distinguished the Canon of Doctrines into written and traditional, and have made frequent

frequent mention of customary Ceremonies, and their being in National Churches, as well as those recorded in the written Canon or Liturgy; therefore we are here last of all to give caution, and it ought to be remembred, That wheresoever such a Traditional Canon, or customary Ceremonies are found in any Church, there the same Rules, which have been here all along given for the interpretation of the written Canon and Liturgy, and the sence of them, are to be applyed by private persons in like manner also for the interpretation either of the Truth or Lawfulness, either of the traditional Canon (where such is found) or customary Ceremonies, and of each in their severall capacities, and so far forth as either of them are propounded by Authority, either as directly Doctrinal, or else as including Assertion and Doctrine, and immediately implying practice. *Non possunt omnes Articuli* (says *Julianus* in the *Digests*) *sigillatim aut legibus aut Senatus consultis comprehendere; sed cum in aliquo casu sententia eorum manifesta est, is, qui jurisdictioni præest, ad similia procedere atq; jus dicere debet*: That, all particular points severally cannot be comprehended either in any Laws or Decrees of the Senate: But when in any case the meaning of them is manifest; he that hath the power of jurisdiction, ought to proceed to the like things, and so to pronounce Sentence: Which Rule is evidently currant in the like cases concerning all other things.

De Legib. & Senatus Consultis. L. non possunt.

CHAP. IX.

Of the Rewards and Punishments belonging to an Ecclesiastical Uniformity: And the Authorities and Rights concern'd in the dispensing of them.

I. **T**He peculiar necessity of rewards and punishments, to the Regiment of Humane Societies.

II. The special application of them to the matters of an Ecclesiastical Uniformity. And first, of the Doctrine of Rewards.

III. And first, those rewards distinguished; and the state of the present case concerning them.

IV. A conclusive Corollary laid down concerning them also.

V. The Original, and most natural intents of all sorts of matters of special reward.

VI. The ingress of Friendship, Kindred, Money, private service, and the like, in respect to these things, in humane societies.

VII. The rewards (ordinary) in an Ecclesiastical U-

niformity must needs be Ecclesiastical.

VIII. The first Rule to be held concerning the dispensing of them.

IX. The Second.

X. The Third.

XI. The Fourth.

XII. The Fifth and last.

XIII. The neglect of the observance of these Rules in this matter, hath brought great damages to Societies.

XIV. The first conclusion laid down from hence.

XV. The Second.

XVI. The Doctrine of Penalties laid down.

XVII. The several sorts of Penalties in an Ecclesiastical Uniformity distinguished.

XVIII. The degrees of Church censures.

XIX. Those censures to be dispensed with the least Hu-

Humane mixtures.

XX. The right of dispensing them belongs to Churchmen.

XXI. The Church censures to be backed by the Magistrate.

XXII. He hath also the power of controuling the execution of them.

XXIII. And upon the same account is exempted from them.

XXIV. The appendant questions resolved.

XXV. The First of them.

XXVI. The Second.

XXVII. The Third.

XXVIII. The Fourth and Last.

I. **R**ewards and Punishments are things principally intended for the governing men upon particular occasions: And their necessity in the way mentioned to the Regiment of Humane Affairs is evident from hence, (*viz.*) from their being the last and utmost means for the Government of Humane Nature. *Solon, qui & sapientissimus fuit ex septem, & legum scriptor solus ex septem, Rem-Publicam duabus rebus contineri dixit, Premio & Pœna, says Cicero; That Solon, who was the wisest of the seven wise men of Greece, and the only writer of Laws amongst them all, said, That a Common-Weal was contained in two things, (viz.) Reward and Punishment. And again, Omnino Clari & Nobilitati labores sunt faciles: That Renowned and Nobilitated Labours are easie, but not so on the contrary. And, Facit non raro atrocitas pœne obediëntiorem duci militem, says the Roman Historian; That severity and grievousness of punishment doth oftentimes cause the Souldier to be led in more obedience. And, Est utilius unius improbi supplicio multorum improbitatem coercere, quam propter multos improbos uni parcere: It is more profitable to restrain the viciousness of many by the punishment of one wicked man, then to spare one because of many wicked.*

The peculiar necessity of rewards and punishments to the regiment of humane societies.

In princip. Cap. 13.

Ibid. Cap. 19.

Liv. Dec. 1. Lib. 8.

Cic. 5. Acc. in ven.

The special application of them to the matters of an Ecclesiastical Uniformity. And first, of the Doctrine concerning Rewards. And first, those Rewards distinguish'd, & the state of the present case concerning them.

Lib. 2. Cap. 5.

II. The common places of others then, both Lawyers, Politicians, and the like, concerning the Doctrine of Rewards and Punishments (both as to rules of Policy and Prudence, and also of Justice and Equity) being pre-supposed to be known; we come here to treat of them in a special way, and as belonging to an Ecclesiastical Uniformity. And first, of Rewards.

III. And in the first place, those Rewards (as in other cases, so in this) are either of Profit, Honour, or Pleasure, or else mixt, of all, or either of them. And these things we recited above, as the matters of this world ordinarily valued by men: and either of those sorts of rewards again, are either more common to many (as Ecclesiastical Immunities establish'd by Law, and such as are frequently

U u u

mention'd

Vid. C. & No-
vel. passim. Et
vid. Cod. Theo-
dos. lib. 16.

Tit. 2. De Ec-
clesiis & Cler.
& alibi.

A Conclusive
Corollary
laid down
concerning
them also.

Deut. 17. 3. 9.
& c. & Cap 33.
11. & 2 Chron.
31. 4.

mention'd up and down in the Civil Law, the *Theodosian* Code, and elsewhere) or more special to few, as more special dignities, and Ecclesiastical Promotions : And 'tis of this latter sort of Rewards which we here principally treat.

IV. And although it be true, that both Church-men, and others (concern'd any ways in the matters of an Ecclesiastical Uniformity) are obliged to the doing of their duties (according to the best of their capacities and abilities) by that tie they have upon them from God, and those eternal respects they bear to another world ; yet while Humane Nature is in them, and they partake of humane infirmities (as they concern them in this Spiritual sense) there must be the present support and temptation of temporal rewards also to encourage them to deserts and enterprises accordingly. God himself took care in *Israel*, that such things should be afforded for their encouragement.

And ——— *Nemo virtutem amplectitur ipsam,
Præmia se tollas.* ———

——— *None embraceth vertue it self
If thou take away the rewards of it.* ———

The original,
and most nat-
ural intents
of all sorts of
matters of
special re-
ward.

V. The original then, and most natural intents of all sorts of emoluments and gratifications, conferr'd by the publick in the more special way mentioned, were principally two, (*viz.*) the rendering Princes Magnificent, and the encouraging merits and deserts : And the former of these in its most eminent capacity was always included in the latter. So that Princes were never found to have acquired more Glory and Renown (as well as to have benefited the publick) then by their having bestowed matters of reward (proper to persons of any faculty or profession) upon the most eminently and remarkably deserving (and especially deserving from the publick) in that profession.

The ingress of
Friendship,
Kindred, Mo-
ney, private
services, and
the like, in re-
spect to these
things, into
humane soci-
eties.

VI. But in relation to these things, it was quickly found in the setting up of all Common Weals, that (partly because of the rareness of mens performing acts of conspicuous and more then ordinary merit, and partly because of the prevalence of Avarice, Self-love, and the like corrupt affections with men) *Friendship, Kindred, Money, private Service*, and the like steep in, and almost spoiled all : Especially Princes themselves grew more supine and careless, in respect to these matters also, when at any time of their Empire, there were a greater store of suites and importunities thus qualified, and their affairs seemed to be in a more compleat posture of present settlement and tranquillity ; So that they thought they needed not so much men of service. The present state of the Uniformity of the *Roman Church* (in the several Territories of it, more or less (but especially

especially in those in *Italy*, and nearest adjoining to *Rome* it self, where things seem to be more secure) is a great instance of these things.

VII. The rewards (ordinary) in an Ecclesiastical Uniformity must needs be Ecclesiastical; And that whether they be of the more common, or special sort: And the reasons why they must be so Ecclesiastical, are, both because Ecclesiastical Persons or Church-men, are the persons most ordinarily concern'd in the matters of such an Uniformity; and also because it follows then, that it belongs to them to bear Civil Offices but indirectly, and *a latere*, and only as in the general they are members of Humane Society.

The rewards (ordinary) in an Ecclesiastical Uniformity must needs be Ecclesiastical.

VIII. And the first Rule then to be held in any Church, concerning the distribution or dispensing of the more special sort of the Ecclesiastical rewards, is, *That the Prince should have enough of the greater of them (of all sorts) in his hands to bestow upon any occasion.* And as to others, which either by reason of the propriety of others, or any other way, are not within his power immediately to bestow; *He should at least have the power (ultimately, and where-soever the state of his Affairs, in relation to any particular persons, at any time requires it) of controuling the Collation of them.* And these things he should thus have in his power, *ad conciliandum favorem*, for the obliging his Church-men, and the more considerable sort of them, the more firmly to him; and also for the better securing the welfare of his publick charge in many other respects. And the ordinary necessity of this perquisite to the state and Dignity of Princes, is evident from hence; (*i. e.*) from the mischiefs that ensue, either where it is not in a sufficient manner or measure annexed to the Supream Power; or else where the Church-men, or any considerable number of them, are left to be, for their income and maintenance, at the devotion of the people. Let the late Act of the present Parliament in *England*, for the uniting Churches in Cities, and Towns Corporate, and the like other Laws of other Countries be consulted concerning this matter, and the secondarily natural right of Princes belonging to them in it.

The first Rule to be held concerning the dispensing of them.

See, Anno 17. Caroli secundi Regii.

IX. Let us come to the second Rule to be also observed in this matter: And that is, *That no Ecclesiastical Promotion should be too great, and so as to stand in any probable capacity of over-topping the Princes power in his Dominions:* Especially if it be bestow'd by, and depend upon a forraign power, as is the case of the Cardinals Hats bestowed by the Sea of *Rome*. But yet still the Ecclesiastical Estate, in the Dominions of Princes, is, in its Honours and Dignities, to be suited with the Temporal: And that both for the Honours sake of Religion (the affairs of which the Ecclesiastical Estate is more immediately and directly conversant in attending upon) and also that the inferiour Clergy, in relation to the ordinary matters of justice dispensed by the Laws, may have their Protectors and De-

The Second.

fenders, as well as others, upon any occasion. And this is the reason why divers Governments, and the divers sorts of them, have diversly modified these things, for the better accommodating and cementing the affairs of their Societies.

The Third.

Vid. Capitulum.
Lib. 6. L. 227.

Lib. 6. Tit. 5.
L. 1.

X. In the third place, *The matters of special reward in an Ecclesiastical Uniformity should be annexed principally to actual and eminent merits and abilities.* And, *ceteris paribus*; and where men are Orthodox, Honest, and in the like manner well qualified in other things, they should never be wanting to them: And that whether they are dispensed immediately, either by the Prince himself, or by any deputation. And this the Laws of Princes have many times taken particular care for; *Clerici etiam omnes qui Ecclesiæ fideliter vigilant atque serviunt, stipendia sanctis laboribus debita secundum servitii sui meritum vel ordinationem Canonum Sacerdotibus consequantur*, sayes the Law of Charlemain: *Let all Clericks, who do faithfully attend on the Church, and serve it, receive rewards due to their holy labours according to the desert of their service, or the appointment of the Canons in that matter.* And the Emperours, *Gratianus, Valentinianus, and Theodosius*, in the *Theodosian Code*, *Nihil est tam injuriosum in conservandis & custodiendis gradibus dignitatum, quam usurpationis ambitio: Perit enim omnis prerogativa meritorum, &c.* *There is nothing so injurious in the conserving and keeping of the degrees of dignities, as the ambition of usurpation: For all Prerogatives of merits perisheth in the mean time.* And as this matter of dispensing rewards to merits concerns the Prince in his place, so also it concerns all others who are in places of power and trust, severally and proportionably in an Ecclesiastical Uniformity.

The Fourth.

XI. *In case of defect of such merits as have been mentioned; the matters of reward should be bestowed upon the most fitting and best qualified persons however.*

The Fifth and Last.

XII. Or if private interest must needs mix with these things (as most times, by reason of mens inordinate self-love, and the other the like corrupt affections flowing from it, it not only doth, but also bears away the Bayes from all besides, and yet finds out pretences and defenses enough for it self in the mean time) yet however it should proceed in conjunction with abilities and fittingness in men: And to do so, is the least thing excusable, that it can do in this matter.

The neglect of the observance of these Rules in this matter, hath brought great damages to Societies.

XIII. These then being the Rules thus to be laid down, the neglect of observance of them in the Ecclesiastical Uniformities of Princes hath brought great damages to Societies: As to the Prince particularly, it hath, sometimes for the time being, sometimes utterly and for ever, ruined his Affairs. And to Merit, and Worth, Nobility of mind, and vertuous emulation, it hath discouraged it. And lastly, as to the corrupt affections of men, it hath filled all things with them, and the effects of them, and hath brought in all

all manner of unworthiness, and baseness, and very barbarism amongst men. *Est igitur in omni genere Civitatum turpissima ac perniciosissima honorum ac premiorum, quæ virtuti debentur, mercatura,* sayes Bodin: That in all kinds of Common Weals, the buying and selling of Honours and Rewards, which are due to vertue, is most foul and destructive. And, *Nihil enim bono viro gravius est, quam in adipiscendis honoribus, improbis exæquari :* That there is nothing more grievous to a good and vertuous man, then in the obtaining of honours to be levelled with wicked and unworthy men. And, *Honoris & Glorie Majestate de Republica sublata, Civis in omne dedecus, ac flagitiorum seditatem perrumpere necesse est ; quod minime futurum est, si honores ac præmia harmonicis rationibus distribuuntur :* The Majesty of Honour and Glory being taken away from the Common-Weal, it followeth necessarily, that the Citizens should break out into all disgrace, and foulness of crimes ; which will not at all be, if Honours and Rewards are distributed in their due and fitting proportions.

De Repub. lib.
5. Cap. 4.

Bid.

XIV. Hence then it is, and in respect to these things last of all mentioned amongst others, that Canonical Simony hath by all Laws generally been prohibited, (*viz.*) That the natural intent of Rewards might not be frustrated, and the evil consequences mentioned, brought in upon Churches and Common-Weals : So in the Code and Novels of Justinian ; *Nemo Gradum Sacerdotii pretii venalitate mercetur. Quantum quisque mereatur, non quantum dare sufficiat, æstimetur. Profecto enim quis locus tutus, & quæ causa esse poterit excusata, si veneranda Dei Tempia pecuniis expugnentur, quem murum integritatis, aut vallum fidei providebimus, si auri sacra fames in penetralia veneranda proserpat ? &c.* Let no man make Merchandize of the order of Priest-hood. Let every one be esteemed of so far forth as he deserves, and not so far forth as he is able to give. For truly what place can be safe, and what cause can justly be determined, if the venerable Temples of God shall be forc'd by money ? What wall of integrity, or Bul-wark of Faith shall we be able to provide, if the cursed hunger of Gold shall creep into the Holyes of Heaven ? So also in the Novels : *Per presentem Legem sancimus, ut quoties usu venerit Episcopum ordinari, convenient Clerici & Primores Civitatis, cui ordinandus est Episcopus, & propositis sanctis Evangelis ; Super tribus personis Psephismata fieri, & quemque ipsorum jurare secundum Divina Eloquia, & ipsis Psephismatibus inscribi, quod neque per dationem, neque promissionem, vel amicitiam, vel gratiam, vel aliam qualemcunque affectionem, sed quod scientes ipsos recte & Catholica fidei, & honestæ vitæ, & excedere trigessimum ætatis Annum ipsos elegerint.* We appoint by the present Law, that so often as by custome it come to pass, that a Bishop shall be ordained, the Clericks come together, and the Chief of that City to which the Bishop is to be ordained, and the Holy Evangelis being proposed, let it be recorded by the Three persons, and let every one of them swear according to the holy Scripture,

The first conclusion laid down from hence.

C. De Episcop.
& Cleric. l.
Si quinquaginta.

De Ordinatione
Episcoporum. Con-
stitutio. 137. Cap.
2.

Ibid. Paulo
post.

and let it be written in the Records, that they have not chosen, neither by gift, nor promise, nor friendship, or favour, or any other affection whatsoever, but knowing them to be of the Right and Catholic Faith, and of an honest life, and to exceed the thirtieth year of their Age. And a little after; *Jus jurandum autem suscipere eum qui ordinatur per divinas Scripturas, quod neq; per seipsum, neq; per aliam personam dedit quid, aut promisit, neq; post hac dabit vel ordinanti ipsum, vel his qui sacra pro eo suffragia fecerunt, vel alii cuiquam ordinationis de ipso faciendæ nomine.* We appoint also him who is ordained to take an Oath, by the Holy Scriptures, that he hath not given any thing, nor promised, neither by himself nor any other person, nor will hereafter give either to him that ordains him, or to those who have given their sacred suffrages for him, or to any other for the passing of his Ordination. And the like Laws are to be found up and down in other Books of Laws. And the Roman Canonists call Simony, *Crimen Ecclesiasticum: an Ecclesiastical Crime: So Panormitanus.* And, *Qualiter committatur his versibus comprehendende, says Hostiensis;*

Responsorii fol.
258.
Summa Lib. 5.
de simonia sum-
marie. 4.

*Munus, Lingua, Caro, Timor, atq; favor popularis
Impediunt gratis spirituale dari:*

How it is committed take it in these Verses:

*A Gift, Intreaties, Kindred, Fear, and Popularity
Do hinder a spiritual thing from being given freely.*

Idem Ibid.
Summar. 11.

And *Simoniacus autem, in beneficio vel dignitate constitutus, per accusationem deponitur, per inquisitionem amovetur: A Simoniack, being constituted in a Benefice or Dignity, is deposed by accusation, is removed by inquisition.*

The Second.

XV. The like respect to the things mentioned also, amongst others, hath the case of *Pluralities*, which is found in many of the Christian Churches, (*viz.*) it is constituted and allowed of, as one sort of the Ecclesiastical immunities above mentioned. Many things have been said concerning it by private persons, both *Pro & Con*, of late dayes especially, and in some parts of the *European* Christian Churches: And heretofore it hath been sometimes allowed of, and sometimes prohibited by the Common Lawes of Countries. The Rise and Progress of it in the Christian Church is rightly described by *Father Paul*, in his *Judicious History of the Council of Trent*, (*viz.*) That its first beginning was in favour, not of them in Benefice, but of the Church, where there was insufficiency of benefices, and so as that that Church which could not have a proper Minister, might have at least some other *servitæ*. The exorbitances of it in the Church of Rome have been great, and some other Churches separating from it have judged that they have fixed in a mean concerning

Lib. 2. p. 250,
251. &c.

concerning it, some in one way, and some in another. Many things according to the diversities of the estates and conditions of Countries, might be alledged for it, both in relation to Religion and Government, and the consistency of Religion with Government. And since the Christian Churches have come to have grown into a more settled condition of being national, it hath been made use of, particularly and amongst other things, for the consistency of the Ecclesiastical Estate with the Civil, and the necessary support of the several degrees of Church-men.

XVI. Thus then concerning the Rewards. We come next to the penalties belonging to an Ecclesiastical Uniformity in like manner also. The Doctrine of Penalties laid down.

XVII. And first of all, they are either of *Pain*, or *Loss*, as in other things: And both again are either primary and principal, or else secondary and accessory. The primary and most proper sorts of Penalties in an Ecclesiastical Uniformity are the *Church censures*; which being spiritual punishments, are most properly to be adhibited in spiritual matters. And the secondary and accessory are the temporary punishments inflicted by the Magistrate, and superadded to those spiritual ones in the case of obstinacy of mind, and ineffectualness of those spiritual Punishments. The several sorts of penalties in an Ecclesiastical Uniformity distinguished.

XVIII. The Church censures, and spiritual penalties proceed in their several degrees, as all punishments ought ordinarily to do: And that for *Plato's* Reason, in the matter of Laws: *Legum vero, ut videtur, sayes he, alia ad bonorum hominum doctrinam ponuntur, ut per eas intelligant quo pacto inter se amice versentur: Alia ad compescendas illorum pertinaciam qui indomiti naturâ sunt, spretâq; omni disciplina, nulla ratione moventur, quin ad omnem ruant improbitatem:* That amongst Lawes, some as it seems, are established for the informing of good men, that by them they may understand how to live amicably amongst themselves: And others, for the restraining of the pertinaciousness of those who are unruly by Nature, and all discipline being despised, are by no means prevailed upon, but that they will run head-long into all manner of noughtiness: And therefore, *Quanto gravior & acerbior est Christi fidelibus excommunicationis censura, majoraq; interius & exterius inserta nocumenta; tanto maturius cautioriq; judicio Ecclesiarum Prelati eorumq; Vicarii ea uti debent,* sayes *Covarruvias*, and the like the other Canonists; That by how much the Church censure of Excommunication is more grievous and bitter to the faithful of Christ, and bringeth greater dammages upon them, both internal and external; by so much the more maturely, and with a greater wariness of mind the Prelates of the Churches and their Substitutes ought to use it. The Degrees of Church censures.
De legib. Dial. 9. ad fin.
In Bonific. octavi Constit. quæ incipit Alma mater sub Tit. Excom. prioris part. Relect. s. 9. Tom. 1.

Those censures to be dispenc'd with the least humane mixtures.

XIX. And these Church censures ought alwayes to be dispensed with the least humane mixtures of Pride, private passion, and the like, of any sort of penalties that are in the world. And the reason of the Divine Law of *Christ* its so appointing them to be dispenced is evident, (*viz.*) because *they are spiritual penalties, dispenced by spiritual persons.*

The right of dispensing them belongs to Church-men.

XX. And the Church-men, or Spiritual persons, then in every Society also, are those to whom immediately, and ordinarily the right of dispensing them belongs. And this Right of those Church-men to whom it belongs, is warranted both by the Law Natural and Divine, in their several respects, and was said to be one part of their power of Jurisdiction above mentioned : And this, whether they do dispence them actually, either by themselves, or by others.

Lib. 2. Cap. 6. §. 9.

The Church-censures to be back'd by the Magistrate.

XXI. Next after these Church Censures, in every Ecclesiastical Uniformity, follow the additional Temporal Penalties to be inflicted by the Civil Power : And those Spiritual, are alwayes thus to be backed by these Temporal Penalties for many Reasons ;

1. Because all are not men of Conscience, and so value not spiritual penalties.

2. Because the Magistrate is appointed to assist the Church, and to be a nursing Father to it.

3. Because men, when become Hereticks, offend Humane Society, and the like. Other things might be mentioned. And the *Apostles* heretofore, when the first Christian Church was not National, had the extraordinary power of *delivering men over* to be tormented by Satan.

He hath also the power of controuling the execution of them.

XXII. The Magistrate also in every National Church ought to have the power of *Controuling* the *Execution* of the Church censures : And therefore are the last appeals in this matter, appointed by the Laws of Countries to be made to him.

And upon the same account is exempted from them.

XXIII. And upon the same account also it is, that the Magistrate himself is exempted from the execution of these Church censures upon him, (*viz.*) because if others shall have the power of so executing them, they shall in that particular, become his Superiors, and so his person, upon any occasion being rendred vile, and himself over-awed in so weighty a matter, his affairs shall be totally ruined in the end, and the Ecclesiastical person shall overthrow him. The *Scotch* Presbytery then in this matter, cannot expect to be allowed of by Kings : To discipline, say they, *must all the Estates within this Realm be subject, as well the Rulers, as they that are ruled*, and the like in other places of their publick writings. And the *Sea of Rome* proceeds from the Excommunication of Princes to the absolving their Subjects from their Oaths of Allegiance, and to the alienating their Dominions to others, and last of all, to the pronouncing

See, *The Doctrine and Discipline of the Kirk of Scotland*, London, 1641.
The first Book of Discipline.
sub Tit. Persons subject to Discipline.
Et alibi.

nouncing it as a matter of merit for any one to kill them.

XXIV. This then being said also concerning these penalties; there are some few appendant questions to be briefly resolved.

The appendant questions resolved. The first of them.

XXV. And the first of them is, concerning the *Commutation* of Church-censures for money: And, at the practise and affirmation of which, that it may lawfully be in an Ecclesiastical Uniformity, some persons are offended. But it is to be considered what we said above upon another occasion; That *Riches are the things of this world ordinarily valued in the first place by men.* And then the depriving them of them, will easily be granted to bear the nature of a punishment; and then, so long only as the Church-censures do not lose their effect by it in the mean time, and foul and fordid Avarice doth not interpose in the matter, who will deny but that the difference in the kind of punishment (the proportion and degree of it being only duly observed) doth not violate the Rules of distributing Justice? And therefore *Pecuniary Mulcts* have been appointed by all Laws to be used as punishments, and that both in Sacred and Civil matters; *Si, sine venia Edicti impetrata, libertus patronum in jus vocaverit,* (says *Modestinus*) *ex querela patroni, vel supra dictam, (i. e.)* *quingenta aureos dat; vel a præfeto urbis quasi inofficiosus castigatur, si inopia dignoscitur laborare:* If, without pardon of the Edict being first obtained, the Manumized servant shall implead his patron, either he shall suffer the abovesaid punishment, (i. e.) the payment of fifty pieces of Gold; or else he shall be chastised as an inofficious person by the Præfeto of the City, if he shall be known to be poor. And, *Justinian* in the *Institutes*, says, *That by the Law of the twelve Tables, propter os fractum nummarie pænæ erant constitutæ:* For a bone of any mans being broken, the punishments by payment of money were appointed. And the *Pecuniaria Mulcta*, or *Pecuniary Mulct*, is appointed in the *Code*, as a punishment relating to sacred matters: And the like by *Plato* in his Books of Laws; and very many the like instances might be given.

Lib. 2. Cap. 5. §. 7.

D. De in Jus vocando, l. 25.

Lib. 4. Tit. De injuriis.

C. de Epif. & Cler. l. 56. ad finem.

De Legib. Dial. 12. Paula post princip.

The Second.

XXVI. In the next place, another complaint, is, because of *Excommunication* for light matters. But the answer is, that they may be by accident great and weighty.

XXVII. The like is the question made also concerning *Excommunication* at first dash. And *Covarruvius* saith, *Trina vero monitio, quam ad Excommunicationem diximus esse necessariam, requiritur in Excommunicatione ab homine ferenda; non tamen in Excommunicatione lata a Canone vel Statuto; ipsa siquidem Lex, quæ ita mature & cautè censuram ipsam indixit, quotidie admonet subditos ne prohibitum crimen committant, remve lege vetitam agant:* That the three-fold admonition, which he said, was necessary to *Excommunication*, is required in an *Excommunication* pronounced at the discretion of the Judge; but not in an *Excommunication* inflicted by the Canon or Statute: for the Law it self, which hath so maturely and warily threat-

The Third!

Relest. §. 9.

Tom. 1. sub.

Tit. De sentent.

Excom.

ned the censure, doth daily warn the persons subject to it, that they do not commit the crime forbidden, nor do the thing prohibited by the Law.

The Fourth
and Last.

XXVIII. In the fourth and last place then, it will be *Queried*, *How far forth also severity of Temporal Punishments may be used by the Civil Magistrate in these spiritual matters?* And here truly we shall determine briefly, and without intermeddling too far: And that is, that as we dare not exclude the Magistrate from the use of any means necessary for the preservation of his Publick Charge, so we will take it upon us most humbly to exhort him to remember mercy. The tenderness of Conscience in his Subjects, in this case, is to be considered of: The humanity which ought to be used towards all, and in all cases to be called to mind: The distinction to be carefully made betwixt the weak, and obstinate: And finally, if Mercy instead of Punishment, especially in the case mentioned, may any wayes prevail, he will be the servant of Christ, and like that God, whose Deputy and Image he is upon earth, in being prone to Mercy.

CHAP.

CHAP. X.

Of the *Magistrates further intent*, in relation to the *inward notions* supposed to the *external profession* and *use of things*. And of the *more particular latitudes* belonging to those *notions*, and the *assent* included in them.

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| <p>I. THe general intent of this Chapter.</p> <p>II. The Magistrates intent concerning the internal notions in men stated negatively.</p> <p>III. And also positively.</p> | <p>IV. And that, first more generally.</p> <p>V. Secondly, more particularly. And the Latitudes conceded in relation to them.</p> <p>VI. An appendant question resolved.</p> |
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I. **T**He inward notions, both mediate and immediate, which are supposed to external profession, and the use of worship, having been above more generally considered of; we come here to consider of them more particularly and especially: And more expressly of the latter sort of them, and of the more particular latitudes belonging to them also.

The general intent of this Chapter. Vid. Lib. 3. Cap. 4. S. 2.

II. The Magistrates intent then, as to those inward notions in mens minds; First of all Negatively:

The Magistrates intent, concerning the internal notions in men, stated negatively.

1. That he doth not at all, in his Ecclesiastical Laws, intend the injoyning upon men such and such more particular and immediate notions concerning things: And the Reasons of this have been given above in their proper places, where an universal inward unity of opinion in men hath been denied to be either any of the intents of a Canon and Liturgy, or else that kind of inward assent, which is supposed to the external acts of profession, and use of Publick Worship.

2. Much less doth the Church or Magistrate intend the forcing any man to any kind of assent whatsoever: And that whether it be either under any immediate, or else under any mediate and third notion: And that because the forcing an assent in men, is both unnatural, as a means to be used; and also impossible, as an end to be

Supra Lib. 3.
Cap. 4. §. 13.
Parag. 2.
Menaff. Ben Jf-
rael. In his
Vindiciæ Ju-
deor. Sect. 1.
Parag. 16.

obtained; besides the impertinency of inward assent immediately, and in it self, to the Magistrate and his occasions. Outward profession indeed may be forc'd, but inward assent can never: Although the forcing of outward profession also, if it be specifically and directly endeavour'd, be irrational and wicked, as hath been said. The late Earle of Portugal, (mentioned by the Jewish Rabbi) in his dealing with the Inquisitor, gave a sufficient instance of these things; *Who, when his Physician had been compelled by tortures, to confess himself a Jew, and he could not procure his Liberty; Being incens'd at it, feigned himself sick; and the Inquisitor, who had been importuned for his Physicians Liberty, having been sent for to visit him, when he came, he compelled him in like manner, by offering to have put a red hot Helmet upon his head, to confess himself to be a Jew; and also he made him write it with his own hand that he was so; Adding, That in like manner as he had confessed, did his Physician confess, save only that he had presently, only out of fear, and not sense of torment, confessed more then his Physician had done before him.*

And also po-
sitively.

And that first
more gene-
rally.

III. Let us come then to the positive intent of the Magistrate in this matter.

IV. And that first more generally, is;

1. That he intendeth mens profession and use of things to be according to their inward notions, both mediate and immediate, in each of their capacities; and not that they should make (in respect to either sort of those notions) either a bruit or false profession: And if they do so, it is their own fault, and not his. And although he doth not, yet Conscience should, and God doth take an actual and judicial cognizance of it. And, in the mean time, it being sin, whatsoever is not of Faith, it is not to be supposed, that the Magistrate should intend mens sinning against God any wayes in the making their profession, or practising the use of things.

2. The Magistrate also wisheth men a right notion (*i. e.*) such as may be right in it self, as well as such as may seem right to them, for the founding their profession and use of things upon: For he wisheth them every wayes absolute welfare in his Uniformity. And in this sense it is, that the special direction of Gods Spirit, and an unity of Truth in the minds of men, and the like, is many times prayed for, in the stated Liturgy, and such other publick writings of Churches. And the Canon of Doctrine also is propos'd, as a means whereby God may so far forth as he shall please, work such an unity in them.

Secondly,
more particu-
larly: And
the latitudes
conceded in
relation to
them.

V. Yet in the interim, and notwithstanding these things, as the liberty of opening, and of mens use of their judgment of discerning, is all along supposed to be conceded to them in the general; So also, all just and more particular *Latitudes* of it are conceded

conceded to them in like manner in relation to their fixing these Notions concerning things, which we are here mentioning. And those *Latitudes* are, that a man should profess assent

1. *To the Canon and Liturgy themselves, and in the general, only as humane things, and stamped with humane authority, and composed by fallible men, and the like.*

2. *And so also, as to the particular Doctrines of the Canon, and forms of Worship in the Liturgy, That a man should profess assent to them, and the use of them, only under what more particular and further notion his judgment leads him to : And that not onely as to the diversity of notion in the nature of it respecting the thing, but also as to the diversity of it, in relation to the respect it hath to the more or less firmness of it in a mans mind. And also a man is allowed to profess assent*

1. *To Doctrines seeming to him certainly true, under the notion of such certain Doctrines ; and to forms of Worship seeming to him certainly lawful, under the notion of such certainly lawful, and so to use them accordingly ; And to both these, as falling under what degree of certainty he pleaseth.*

2. *And so to Doctrines and Forms of Worship seeming to him only probable, only under the notion of such probable : The Scripture Rule of acting from Faith still being proceeded by, and the most probable of things (either to be believed or done) being fixed upon.*

3. *And Lastly ; The sum of all in this matter is, That all particular latitudes are conceded to a man, in relation to these things, which are not destructively contradictory to the third notions of the Canon and Liturgy, their being true and lawful, and so to the Magistrates Ecclesiastical Uniformity, and so to his publick charge preserv'd by it in the latter end. For as the Magistrate is not supposed to intend the denial of that degree of liberty in this matter to any man, which is onely just, and of no evil consequence ; So also he must never be supposed at all to allow of that, which shall be destructive to him and his publick affairs. Neq; enim quis sciens & prudens vellet sui perditionem, aut simul contradictoria : Neither doth any man, being in his right wits, and understanding what he doth, will his own destruction, or contradictions together, and at the same time. And these things, and that they should be thus allowed to the people, are their derivative natural rights in an Ecclesiastical Uniformity ; and that as flowing from their primitive right of the use of their judgment of discerning : And they are also some of their derivative Latitudes or Liberties relating to their performance of obedience to the Ecclesiastical Laws of Princes.*

An appen-
dant question
resolved.

Lib. 3. Cap. 4.
S. 14.

VI. In the last place then, the appendant *Question* or *Querie* that is here to be resolved, concerning the negative part of an Ecclesiastical Uniformity, and a mans not divulging his Opinion, and that particularly in the case of his down-right dissenting from any Doctrine in the Canon, or form of worship in the Liturgy, (*viz.*) *How far forth a man should tolerate any such Doctrine, or Form of Worship in a National Church, rather then as much as in him lies to oppose it by divulging the contrary, and suffering in Testimony against it*, is of kin to the *Question* above mentioned, of contending for the Faith; but is the negative opposit to that positive, and will be determined from the several following conclusive propositions; And those are,

1. That this Doctrine of Tolleration by private men takes no place in the positive part of an Uniformity, (*i. e.*) in those things which a man either useth, as to his practise, or makes profession of assent to, as to his belief: And the reason is, because such tolleration of such things includes a contradiction to the use and profession mentioned, and so renders both of them sinful: But a sinful, either profession or use of things, and that which is false and contrary to Faith, is not that kind of either, which is laid down as a *medium* for a charitative communion in an Ecclesiastical Uniformity.

2. The use of things and forms of Worship, as to the Liturgy, is here supposed to be more general; because the Liturgy being stated, the use of it, or, one way or another the partaking in the use of it, is supposed accordingly to be equally common to all: But then profession of assent, more specially in respect to the Canon of Doctrines, is to be distinguished: And it is either definite or indefinite, (*i. e.*) in respect to the object matter of it, or the Doctrines which profession is to be made to. The indefinite is, when it is not necessarily and definitely limited or determined, (either by any Act of a mans own, or act or intent of the Magistrate) to a certain number of things; and the definite is the contrary: And the one ordinarily takes place in the special sort of professors, and such as are more strictly tyed up, either by Oaths, subscriptions, or the like in any National Church: And the other in the community, and contrary sort of persons: But it is the latter of these, (*viz.*) the generality and common sort of Church-members, who are here more principally and ordinarily concerned.

3. The Doctrine of Tolleration by private men in any such case as this is, in the general, is expressly asserted, and approved of by the Divine Law of Christ; In that Text of St. Paul, *Rom. 14. 22.* *Haft thou Faith? Have it to thy self before God,*

God, (*i. e.*) dost thou believe such or such a thing, either to be true, or not true, lawful, or not lawful? Enjoy thine own belief for the satisfaction of thine own conscience: And that is as far as thou art (generally, and without a more special Call, and particular charitative obligation) concern'd.

4. The more particular qualification of this Doctrine, and how far forth such a Toleration in this particular case, ought to be practised, is stated by the dictate of the Law Natural: And that from the General Rule for the determination of all such cases in an Ecclesiastical Uniformity, and which hath been all along hitherto mention'd. And that is, *So far forth as it may make to the publick welfare of the charge of the Magistrate*, which alwayes includes in it the sum of the two Tables of *Moses* (so frequently mentioned by the Casuistical Divines, and as being parallel to this in the stating their case in a notion separate from an Ecclesiastical Uniformity) (*viz.*) the glory of God, and the good of our Neighbour in any Society.

5. The conclusion of all then, from these prefatory positions, is, That from the measuring this case, in relation to particular things or Doctrines in an Uniformity, men are to consider the value and worth of such Doctrines in Religion; The Service they may otherwise do to God in their Calling, if they do not incur the penalties of an Uniformity by their divulging their Opinions against the present Ecclesiastical Lawes; the high valuation that is to be had by every one of the welfare of the Magistrates Charge, and of Charity and Peace in the Church and State in order to it, and the like. And if these things be but considered, it is not ordinarily to be supposed, that there are things of such weight, and so unwarily proposed in any Canon of Doctrines in an Ecclesiastical Uniformity, as first, to deserve a mans totall dissent from them, and after his violating the Common Peace and Profession, and stirring up Contentions, by reason of any real and so gross erroneousness that is in them. And these things do also in a more eminent notion concern the case of *Revolting* in any Church; and as that also hath its special reference to a presupposed definite profession. Last of all then, as to those (many times found in all Churches) who unwarily presume that they may vent their dissentings, in both these sorts of cases mentioned, when and how they please: And that God, and Conscience, and the Lawes in any Society, are sufficiently satisfied, if they do but subject themselves in the mean time to the penalties annexed to an Uniformity. They are to remember that suffering is not at any time, or in any case to be incurr'd, but upon just cause and good grounds for it, and where doing, by reason of the

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malignity

malignity of the thing to be done, cannot be : And that, not it, but obedience is the primary intent of all Laws ; and so even of any Penal Law whatsoever. And in vain also are the examples of the Apostles here alleadg'd for mens irregularity, divulging of their Opinions in Societies : Whose case, of their first planting the Christian Religion in the world, was so rare and singular in the circumstances of it, as that the like cannot possibly now be met with in any Church whatsoever.

CHAP.

C H A P. XI.

Of the *Testimonials to Profession in an Ecclesiastical Uniformity*; And what they are.

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| <p>I. Testimonials in the general defin'd and distinguished.</p> <p>II. The Testimonials to Profession must be such as fall under humane cognizance.</p> <p>III. The distinction of them applied.</p> <p>IV. The Testimonials to Indefinite profession assign'd.</p> | <p>V. And also those to definite.</p> <p>VI. Both sorts of these Testimonials ought to be given in, sincerely, by the professors in Churches.</p> <p>VII. Whence the necessity of the Testimonials to definite Profession hath sprung in an Ecclesiastical Uniformity.</p> |
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I. **T**estimonials, in the general, are things bearing witness to any thing: And they are either natural, or instituted, or mixt. And each of these are either such as in the matter of them fall under humane cognizance, or such as do not.

II. Profession being assign'd as the primary and universal medium for charitative communion in any Church, the testimonies given into it in an Ecclesiastical Uniformity, must be accordingly such as fall under humane cognizance: And that whether they be of either of the more general sorts mentioned, either natural, or voluntary and instituted, or else mixt of both.

III. The natural Testimonials to Profession, are, such as in their own nature of things import a witness-bearing to it. The instituted are, such as do so by institution. And the mixt are, such as do it both naturally and by institution also. The natural are equally common to all Societies, under their diversities of applications of them to their divers professions, and more particular affairs; the instituted are more proper to some: And so are the mixt in their more particular applications before others of the same kind; and that all of them, whether they do testify either to definite, or indefinite profession.

Testimonials in the general defin'd and distinguished.

The Testimonials to profession must be such as fall under humane cognizance.

Supra. Lib. 2. Cap. 7. §. 10. & deinceps passim.

The distinctions of them apply'd.

The testimonials to indefinite profession assign'd.

Lib. 2. Cap. 7.
§. 11. *Ex alibi.*

And also those to definite.

D. De novationibus, & De legat. L. 1. §. Unica.

D. eodem L. 17.

C. De Episcop. Audientia. L. Statuimus hoc Editio.

C. eodem L. proz. sequent.

IV. The testimonials to indefinite profession (of which soever of the sorts mentioned they are) are such as are requir'd of all the members of any National Church in common: And they do use so to be required. Such are the outward practise of Doctrines, above-mention'd; the being present ordinarily at the publick worship; the partaking in it with others; the saying Amen to the Prayers of the Liturgy, framed according to the Canon of Doctrine; the making use of its several offices for Baptisme, and the celebration of the Lords Supper, and the like. Such are also the using of the Church Ceremonies; the bearing of Church-Offices; the taking of Oaths for the discharge of them; nay, such is also mens very acquiescence under the Ecclesiastical Uniformity; and the like of either of the sorts of Testimonials.

V. In like manner also are the Testimonials to definite profession on their part, (*viz.*) such as are required of some sorts of persons in special, to testify to their more special sort of profession: Such are Church-Oaths, Subscriptions, Declarations, Protestations, and the like: And these do use to be requir'd of persons in more publick and special sorts of station and imployment, in relation to the Uniformity. Such as ministers, or Clergy-men, of all sorts and degrees, are; and who ought to be more eminently exemplary to others in the matters of it: Such also as are Physitians and School-Masters; who are about the sick, who educate youth, and the like: Such Testimonials also are habits in Ministers: And by these and the like ways do obligations of all sorts use to be testified to, in special amongst men; *Illud non interest, sayes Ulpian, qualis processit obligatio, utrum Naturalis, an Civilis, an Honoraria; & utrum verbis, an re, an consensu, &c.* That, that is not of weight what manner of obligation hath preceded, whether Natural, or Civil, or Honorary; and whether by words, or the thing it self, or consent. And, *Delegare Scripturâ vel nutu; ubi fari non potest, debitorem suum quis potest: That any one may assign over his Debtor, either by writing, or Nod, where he cannot speak.* And in the Code, *Statuimus, hoc Editio in perpetuo valituro, ut Potestates, Consules sive Rectores, quibuscumq; fungantur Officiis, pro defensione fidei præsent publice juramentum, quod de terris sue jurisdictioni subjectis universos hereticos ab Ecclesia denotatos bona fide pro viribus suis exterminari studebunt.* We do appoint by this Edit, to be in force for ever, that the Powers, Consuls or Governours, whatsoever Offices they discharge, do give in their Oath publicly for the defence of the Faith; that they will study really, and with all their might to exterminate all Hereticks, which are noted by the Church, from the Precincts subject to their jurisdiction. And in the following Law, *Nemo militet, qui non apud acta testificatus cum tribus sit, propositis sanctis Evangelis, se esse Christianum Orthodoxum: None shall bear Armes, who hath not testified in the presence of three Witnesses, upon Record, the Holy Evangel being proposed,*

proposed, that he is an Orthodox Christian. And the like constitutions up and down in the body of the Law are every where to be found; and so in other volumes of Laws and Constitutions in the world. And, in the *Corpus Discipline*, he that is called to exercise the function of a Minister, is to subscribe *The confession of Faith and Catechism used and authorized in the Reformed Churches of the United Provinces*; and also the *Doctrinal Decrees of the Synod of Dort, of the year 1619.* and to submit to the Synod, as was above-mentioned. And a little after, *The publick School-masters should be directed by the Ministers, what Books they are to read to their Scholars, and what prayers to use, &c.* And in the *Statutes of Geneva*, there is the manner and form of the Oath which the Evangelical Ministers take before the *Sindiques and Council*, as was above-mentioned upon another occasion also. And the like Testimonials there are given in, in *England*, and in other Christian Churches.

VI. These then being both the sorts of Testimonials to be given in, in an Ecclesiastical Uniformity; there is one thing, in those that give them in, which there ought to be a special regard had to by them; and that is, their sincerity and reallity of intent in their so giving them in, and exhibiting of them: And this is that which constitutes them to be formally such as to them. But otherwise they are in their intentions, but materially such as to others, and impostures and deceits, as to them. Those then who have sowed the contrary seeds of Doctrine in Churches (like *Ulysses* feignedly sowing salt in the furrows) are here to be condemned. Such are the Doctrines of being Actively and Passively present at Church-Services; Of using equivocation, mental reservation, and the like, in Oaths, and the like Sacred pledges: As if men might in these kinds of matters triumph innocently with him;

Vid. Quibus modis pignus, &c. L. non videbitur, et D. de probationibus. Et presump. L. Censuræ & m. numenta. Et eod. L. 25. in fin. et D. de Test. et qui Test. et L. ad Testum et L. singulos Testes. Et D. de furtiv. L. 28. § 3. Et C. de Summa Trin. L. cum velimus. § 3. et novel. 131. Cap. 2. circa Med. See Chap. 1. in princip. Supra L. 3. Cap. 1. §. 8. See Cap. 1. in fin. See the Laws and Statutes, paulo post princip. Supra Ibid. Both sorts of these testimonials ought to be given in sincerely by the professors in Churches.

Juravi lingua, mentem injuratum gero:

I have sworn with my tongue, but I bear a mind in me unsworn still.

But these Doctrines are Hypocritical in the sight of God; and generally, destructive to humane affairs; and have been invented for the serving of turns, in cases of irregular commotions in Common-weals, and for the laying up of parties in silence against another day; and who (like *Cadmus* his teeth from the Earth) may upon occasion start up men of Steele. If we shall admit of them, what shall become of all Faith amongst men, and of all security to the Common Peace of Princes? The *Dolus malus*, so frequently termed so by the Civilians, hath been decryed a million of times by all Lawes. And the grosser Doctrines of equivocation, and mental reservation, have not escaped the condemnation of some of the very *Roman Doctors* themselves: *Dicere non feci, quod tamen feci; licet cum hac mentis limitatione, ut tibi significem, non est equivocatio sed mendacium*, sayes

De Just. et jur.
Lib. 5. Quæst.
6 a 2.
Vid. Lib. 11.
Cap. 4. Variar.
Resolut. Lib. 1.
Cap. 2. N. 2.
&c.
2 Kings 5. 19.
D^r W. Inte-
gritas, Restitu-
do, &c. Schind-
ler. in Penta-
glott. The sig-
nificant
word.
See Hist. of
the Council
of Trent, Fol.
52, 53.
De Offic. Lib. 1.
De vita Phil.

Epist. 10.

Whence the
necessity of
testimonials
to definite
profession,
hath sprung
in an Ecclesi-
astical Uni-
formity.

Sotus: To say, I have not done a thing, which yet I have done; although with this limitation of mind, that I may signifie it to you, is not equivocation, but a lye. And the like *Azorius*, *Covarruvias*, and others. And if exigencies of special cases be alledg'd for the warranting the use of these Doctrines; the Apostolical Rule is, That *Evil is not to be done that good may come of it*. *Elisha's* *Lec le Shalom* to *Naaman* in the Scripture may be interpreted as a common valedictory form of Speech: Or else as a down-right reproof: *Shalom* being applicable to integrity of manners, as well to that of body, or the like. And the case of the *Elect^{or} of Saxonië's* bearing the Sword before the Emperour, in the *Diet of Ausburg*, and assisting at the Mass, was condemn'd even to derision. And if men will, they may learn the lesson of sincerity from the Heathen Sages: *Compendiaria est via ad Gloriam, ut qualis quisq; haberi vult, talis sit*, sayes *Cicero*: That the short way to Glory is, for every one to be such as he would be accounted to be. And *Diogenes* in *Laertius*, *Trojanus Equus* idcirco fefellit, quia formam *Minervæ* mentitus est: That the Trojan Horse therefore deceived, because it falsely represented the form of *Minerva*. And, *Vix videri ab hominibus, an non? Nunquam bonæ honestatis est longa simulatio*, says *Seneca*: Wilt be seen of men, or not? A long dissimulation is never of right honesty: So then these principles of dissimulation in an Ecclesiastical Uniformity ought not to be suffered by Princes.

V II. Last of all, the necessity of Princes exacting the special sort of Testimonials mention'd in their Ecclesiastical Uniformities, (as well as in their other affairs) hath sprung from the weaknesses and corruptions of men. The simple vulgar have been always found so ductile and easily to be deceived; and the lusts of *Hæresiarks* and Ring-leaders of Sedition have been in like manner found to have been so active and prevalently impetuous in all Societies; that Princes have had reason to think, that they could never too much secure the state of their affairs by any of those lawful ways whatsoever. And these things will be sufficient for an answer to those, who have thought that Christian liberty, and liberty of Conscience, and the like, have been impeached by them.

CHAP. XII.

Of these *Testimonials* as Religious *Bands*: And in what *manner*, upon what *grounds*, and to what things they *oblige*.

- I. **T**He consideration of these *Testimonials* as Religious *Bands*.
- II. First, more generally.
- III. And secondly, more particularly.
- IV. First, under what particular notions, and in what manner they oblige.
- V. And that first, as *Laws*.
- VI. Secondly, as *mens own Acts* passed.
- VII. In both these respects absolutely.
- VIII. Secondly, upon what particular account they oblige.
- IX. First, Antecedently, upon the account of *mens being Members of the National Church*.
- X. Secondly, Consequentially also, upon the account of their having exhibited them as such.
- XI. Thirdly, by both these sorts of Obligation absolutely, upon the account of the hurt ensuing from the contrary.
- XII. Thirdly and Lastly, to what things they oblige.
- XIII. First, the definite and indefinite to their different sorts of matter.
- XIV. Secondly, mixtly, both of them to the making use of the Instruments of the Uniformity.
- XV. Thirdly, to the continuance in Profession.
- XVI. Lastly, to the not divulging *mens opinions* to the publick hurt.

I. **H**aving thus then absolv'd the consideration of these testimonials as such; I come next to consider them as Religious bands and ties upon mens Consciences; And that also in relation both to the common and special sort of profession mentioned. And that,

B b b b

I. More

The consideration of these testimonials, as Religious bands.

I. More generally; and secondly, more particularly.

First more generally.

II. First more generally. And so,

1. That they are intended (both sorts of them) to oblige in the general, it is evident both from their being parts of the Uniformity enjoyn'd by Law, and also such specifical parts as testimonials are. Besides, that some of the special sorts of them, and such as are promissory, are, not onely by the intention of the Magistrate, but in themselves and eminently, religious bands.

2. This also is here further to be noted, that there are the same Latitudes (heretofore mention'd) allowed to them as obligations, which are allowed to them as testimonials, and to the profession made of which they are testimonials.

And secondly, more particularly.

III. And more particularly we shall assign under what notions, in what manner, and to what particular matters they oblige.

First, under what particular notions, and in what manner they oblige.

IV. First, under what notions, (*i. e.*) notions proper and belonging to them in this their capacity, amongst the other matters of the Uniformity; and although also in this particular, of their forming these notions to themselves, men are equally left to their Liberty, as in the forming any other whatsoever.

And that first, as Lawes.

V. First then, these matters testimonial in an Ecclesiastical Uniformity oblige as Lawes, and as being legal parts of the Uniformity it self, as hath been already hinted. And so, whether they are either of the Common or special sort; whether parts fixed, or at any time super-added, they oblige antecedently, and to the giving of them in, as such testimonials. Testimonials exhibited to profession in an Ecclesiastical Uniformity are of two sorts: Either voluntary, (and those are but accidental as to particular persons, and the Magistrates intent relating to them; and therefore more rare, and so but reductively belonging to be treated of here; and there is no antecedent obligation, upon the account of which they are given in) or else they are enjoyned, and such as have been mentioned: And there is always an antecedent obligation belonging to them, and as the formal cause of their being given in.

Secondly, as mens own Acts passed.

VI. In the second place, these testimonials oblige also as being exhibited as such, (*i. e.*) as mens own acts of such a particular kind passed by their exhibiting of them: And so they oblige subsequently, and as having been before given in to profession, which is still the thing they oblige to ultimately in their kind; and as it is the primary universal medium for communion, and as being therefore the last end of them in this matter as Humane Lawes, and under whatsoever other notion they may be thought by any particular person to oblige.

Thirdly, in both these respects absolutely.

VII. Thirdly and lastly, they oblige, both by this their antecedent and consequent obligation, absolutely, (*i. e.*) to the profession to be made under an absolute notion of the Truth and Lawfulness of those things which are to be the object of that profession of

of assent so to be made : And then, whether it be either absolutely Lib. 3. Cap. 10. §. 5. probably, or absolutely certainly (as was above hinted) that this profession of assent be yielded, it matters not.

VIII. We come then next to assign upon what particular accounts and grounds it is, that they so oblige : And so

IX. First of all also, they oblige antecedently, upon the supposition of mens being members of the National Church, in which they are enjoyned to be exhibited ; otherwise not so. For, to corporations of Strangers, to Merchants, to other professions tolerated, besides that of the National Church, generally in all Societies, are immunities and peculiar freedoms from the injunctions of exhibiting of them conceded : So in the very *Roman Church* it self, amongst those that are called *Christian* ; and even in the severest and most Catholick Territories of it, in some measure or other : So also amongst the Mahometans, and others ; and generally for the commodiousness of Traffick, and the prosperities sake of mankind in all Countries, the law of Nations will not have it to be otherwise. In *Rome* it self the several Countries have their *Cardinals Protections*, and connivance at least. And the *Patriarch of Constantinople* resides there in the quality of an Ambassadour for his Churches, sayes *Stephanus Gerlachius* in his Letters to *Cru-* Script. An. 1575

X. In the second place, they oblige consequentially upon the supposition of mens having exhibited them as such members of the National Church also ; but otherwise not so neither : And that upon the same accounts which were last of all mentioned, *mutatis mutandis*, and their proper respects being had to this sort of the obligation of these Testimonials.

XI. In the third and last place, they oblige, both by this their antecedent and consequent obligation, absolutely also ; upon the account of that hurt, and at last final destruction, which the permission of their obliging conditionally will bring to an Ecclesiastical Uniformity, and to Humane Societies : For if the conditional notions, of, *so far forth only as things are True and Lawful, according to Scripture*, or the like, shall be permitted (in this case) and in respect to those things which profession of assent is to be made ; who sees not but that this permission will evacuate the third notions fundamental to the National Profession ; and so the National Profession also it self (which is fundamental to the whole Uniformity) and the utmost intents of it in the latter end ? And then together with the Uniformity, the very Government of Humane Societies also, and the consistency of Religion with it, (both which are to be supported by that Uniformity) shall go down. If it be said to this, that the negative part of an Uniformity is sufficient for the preventing of these confusions ; We answer, No : Not to a parallel degree ; nor at all, in the case of Emergent Con-

Secondly, upon what particular account they oblige. First, antecedently upon the account of mens being members of the National Church.

Secondly, consequentially also, upon the account of their having exhibited them as such.

Thirdly, by both these sorts of obligations, absolutely upon the account of the hurt ensuing from the contrary.

Lib. 3. Cap. 1.
§. 12.

troverſies: in which Nature it ſelf (as was ſaid above) directs to ſome fixation of Doctrines (and ſo of Forms of Worſhip) by ſome Judge appointed for that caſe. And the way of knocking both Opinions in the Head, only by ſilencing them, is brute, and not ſatisfactory to Reaſon, and ſo not ſufficient for the ending of Religious ſtrifes amongſt Rational men : But it leads ſtill (in this general and ſimple conſideration of it) to the denial of the real exiſtence of any ſuch thing as Truth in Religion; and ſo to Atheiſme, and the denial of Religion it ſelf; and ſo to all the fore-mentioned cauſes of Confuſion in its kind alſo in the latter end. And for this reaſon it is, that there is no Society, where (if it continues long enough in being) there is not ſome National Church kept up, notwithſtanding any mixture of Profeſſions, which may be otherwiſe tollerated in any of the wayes which have been heretofore mentioned. Nay, if it were no more but the very Magiſtrates being of ſome one of thoſe profeſſions, ſuppoſed to be all of them purely and equally tollerated and mixt in any Country, it would come to determine the controverſie in this matter amongſt them in the latter end : So that upon theſe accounts it is, that this abſolute obligation mentioned, muſt be thus annexed to theſe Teſtimonials. In the caſe of the Uniformity of *England*, in this particular, it was the report made by *Wray*, Chief Juſtice in the *Kings Bench*, and all the Judges of *England*; That, *Whereas one Smith ſubſcribed to the Nine and Thirty Articles of Religion, with this addition (ſo far forth as the ſame were agreeable to the Word of God) That this ſubſcription was not according to the Statute of the 13 of Elizabeth, becauſe the Statute required an abſolute ſubſcription, and this ſubſcription made it conditional : And that this Act was made for the avoiding of diverſity of Opinions, &c. And by this addition the party might by his own private opinion take ſome of them to be againſt the Word of God. And by this means diverſities of Opinions ſhould not be avoided (which was the ſcope of the Statute) and the very Act it ſelf made touching ſubſcription ſhould hereby be made of none effect.*

Thirdly and laſtly, to what things they oblige. Firſt, the definite and indefinite to their different ſorts of matters.

XII. Laſt of all, we come to aſſign to what things, and matters of duty theſe teſtimonials oblige : And ſo alſo,

XIII. Firſt of all, the teſtimonials given in to indefinite profeſſion oblige to indefinite matter; and thoſe to definite, to definite matter : In both, the matter is according to the profeſſion, and the obligation is according to the matter, and the latitude of it. And the ſort of this Profeſſion, called indefinite, is here thus to be aſſerted, becauſe it is in all Churches generally indefinite in it ſelf; it not being determined by any thing. If the intent of the Magiſtrate (in the very propoſing of his Uniformity, and the Laws of it to be obſerved) be ſaid to determine it; it will be denied, that there is any ſuch intent of his imported in that Act of Propoſition :

tion : And that because the indefinite profession mentioned hath all the properties suitable to the several notions and modes of things concern'd in such an Ecclesiastical Uniformity. For, as on the one hand, it doth not necessitate to a total profession; so, on the other hand also, it doth not suppose, but that the profession in the meantime may be totall; or else however, but that the Canon of Doctrines and Liturgy are so warily and skilfully composed, (the latitudes also which have been mentioned, as belonging to the making this profession being considered) as that the profession mentioned will be ordinarily deficient, but in some, either very small, or few things. And then it follows, that it is better for the publick charge of the Magistrate, that the accidental case of tolleration by private persons should be left open to the Generality of the members of any National Church; (they not violating the common profession of any outward Act in the mean time) nor he, nor any one else, not taking any cognizance of any such tolleration as to any particular persons) then that (they being on the contrary tyed up to a total definite profession) they should for every, either particular or small dissent, be forced to violate the common profession mentioned, either by changing the Soyle (it is ten to one declaredly for that cause) or else by scismatically publishing those their dissentings at home. If the edge of these things be again turn'd back upon us, as to a definite profession of those select sorts of persons mentioned : And if it be said, that the inconvenience will be the same in any National Church as to them : The answer is, that those special sorts of persons are but few comparatively, in any Church : That the special reasons for their special sort of obligation have been partly mentioned : That they are generally of more knowledge to discern and reconcile things : Or that any of them however have the liberty not to enter upon such employments in Commonwealths, as require their giving in their Testimonials to such definite profession as hath been mentioned. And the nthis liberty being granted, it is all the reason in the world, that the respects of private persons in this matter should give place to those of the Publick. The judgement then of Mr. *Chillingworth* concerning the Uniformity of *England* is here to be reprehended, (*viz.*) *That all that was meant by subscription in the Church of England, was, That the constant Doctrine of it was so pure, that whosoever believes it, and lives according to it, undoubtedly shall be saved : And that there is no errour in it, which may necessitate or warrant any man to disturb the Peace, or renounce the Communion of it.* This would serve well for Doctrinals, relating to indefinite profession; but neither for Doctrine nor Worship relating to a definite.

Against Knot.
See, in his
Preface, §.
39.

Secondly, mixtly both of them, to the making use of the instruments of the Uniformity.

XIV. In the second place, these testimonials (both sorts of them mixtly) oblige to the making use of the instruments of the Uniformity: And that both as to their general end (which is immediately the promotion and welfare of the Uniformity it self) and also as to any of their particular ends whatsoever, which also in their several kinds are alwayes to be directed to their general. And the Reasons of these things are, because what a man professeth assent to, it is supposed that he is willing to promote; and if to promote it, then to undertake to use the means necessary and injunctively appointed to him for the promotion of it, and the welfare of it. And such is the using the instruments of the Uniformity appointed by the Magistrate, in respect to the welfare of the Uniformity it self. And the use of such instruments is diversly prescribed, and according to the diversity of the natural and ordinary intent of them, in all Churches, and as hath been all along hitherto, in the places proper to the mention of these things, mentioned by us: And as to their tending as such to their immediate general end; things and cases, and circumstances concerning both, are to be carefully heeded, by him that will aright, and as he ought to do, make use of them to that end. And in such cases, where reason and prudence shall suggest it, the mind of the Law-giver is oftentimes to be preferred before the Letter of the Law: And that also is to be alwayes judg'd of by its more eminently tending to the general end mentioned.

Thirdly, to the continuance in profession.

XV. Thirdly, The giving in such testimonials doth oblige also to the continuance in profession of assent once made to the Uniformity. And the reasons for it are evident also, (*viz.*) because of the great hurt which comes to the Magistrates Charge every way by revoltings. And because that therefore those testimonials are intended as cautions, and obligations *de futuro*; the welfare of the Church and State for the future being intended, as well as that, at any time, for the present; And such future welfare of them depending also upon the future deportment of the Conformists, in relation to the Uniformity, as well as the present upon that for the present. And if any of those conformable practises (which we last mentioned) make to the welfare of the Uniformity; then much more that profession upon which they are grounded. And then, if the continuance of such practises be required, much more of such profession.

Lastly, to the not divulging mens Opinions to the publick hurt.

XVI. In the fourth and last place, the giving in the testimonials (both sorts of them) doth oblige also to the not divulging of mens Opinions to the hurt of the Publick Charge: And

And that, either of their different notions, about any of the matters of the Uniformity; or else of any of their Notions, in case of absolute dissent from any of the matters of it. And as to the last of these things, men are to take great care (for the reasons up and down in this Discourse severally mentioned) that they do not, either lightly dissent, or else publish their dissentings.

C c c c 2

CHAP.

C H A P. XIII.

Of mens *Liberty of opining* and *exercising* their *judgement of discerning* concerning the matters of the *Canon and Liturgy*, and how far it extends. And some cautions concerning such the *exercise* and *spending* of it.

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| <p>I. THe liberty of opining apply'd to the matters of the Canon and Liturgy.</p> <p>II. The matters of the Canon and Liturgy distinguished.</p> <p>III. The due extent of mens</p> | <p>liberty of opining, in relation to them, stated.</p> <p>IV. Lastly, some cautions, concerning such their opining, laid down.</p> <p>V. First of all, Negatively.</p> <p>VI. Secondly, Positively.</p> |
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The liberty of opining apply'd to the Canon and Liturgy. Lib. 2. Cap. 3. §. 3, 4. & alibi.

The matters of the Canon and Liturgy distinguished.

The due extent of mens liberty of opining, in relation to them, stated. Vid. Lib. 2. Cap. 3. §. 4.

THe liberty of mens exercise of their judgment of discerning being more generally, and in its due latitudes asserted above; we come here to apply it more particularly to the matters of the Canon and Liturgy. And that the Church and the Magistrate do concede it in those due latitudes in respect to them, it is evident from hence, because they do not in their proposing of them intend to violate either the Divine or Natural Law by their unjustly infringing of it.

II. The Doctrines then of the Canon are either stated or occasional: And so are the Formes of Worship in the Liturgy, or any additionals made to it, either temporary or perpetual: And both these in any National Church, of any kind of Religion whatsoever, considered either in the special or individual notion of it. And the Doctrines and Forms of Worship stated and ordinary in any of these Cases, are ordinarily more plain and necessary, as hath been all along supposed: although perhaps the occasional may be the contrary.

III. The *Querie* then, concerning the due extent of mens opining concerning the matters of the Canon and Liturgy in particular, is here and from hence to be resolved, after the same manner that it was above in the general, and concerning other things. And that is, that

to

to persons intelligent, and who are sufficient (both in respect to prudence as well as perspicacity) to judge of such things: God and Nature have allowed the liberty of the ordinary exercise of their judgment of discerning universally, and according to the latitude of its adequate object, and in relation to all the sorts either of Doctrines or Forms of worship mentioned in any National Church: And that for many reasons, relating both to the good of Religion and Government, and the consistency of Religion with Government. But to the vulgar, and persons insufficient actually and ordinarily not so. And the reasons for this are evident, (*viz.*) because that, as the ordinary meddling of such persons with matters purely speculative and opinionative (as those terms are taken in their more ignoble sense) is as to them impertinent; so also is their actual meddling with such matters of Religion less fundamental and doubtfully revealed, generally and ordinarily of very ill consequence, in many respects, both to themselves, and the publick charge of the Magistrate: For, it takes them off from looking after the fundamentals of Religion, which must bring them to Heaven: It influences their brains to an excess (as mad-mens are) with the too great nicity of notions: It makes them a fit prepar'd matter for any Heresiark to work upon, and lead away, and the like, both to the ruine of all substantial practise and sound Religion, and of all Humane Society. And for these and the like Reasons it is, that the state of this case here laid down, as it is asserted and countenanced by the Scriptures, so also it hath been generally practised by the Governours in all Societies. The Christian Scripture sayes, *Him that is weak in the Faith receive you, but not to doubtful disputations:* And, concerning both St. Pauls Epistles, and the other Scriptures, That there are in them *some things hard to be understood, which they that are unlearned and unstable wrest, as they do also the other Scriptures, to their own destruction.* And the Laws of Countries have proceeded in the like manner: So *his present Majesty of England*, in his late Letter to the *Arch-Bishop of Canterbury*, appointed him to see, that the Ministers did preach in their Pulpits the most Christian Doctrines of *Repentance*, and *Faith*, and of *Humility*, and *Charity*, and *Good works*, and the like; omitting *unnecessary Controversies*, according to the Scripture Doctrine, *2 Tim. 2. 23.* So also the very *Corpus Disciplina* appoints *the after-noon Sermons to be for the Exposition of the Catechisme in a plain and familiar stile.* And, *the Laws of Geneva* prohibit *any strange manner of handling the Scriptures (in publick) which may turn to offence; Curiosity to search vain Questions*, and the like. And the state of this question, laid down after this manner by us, is suitable to the distinction of definite and indefinite profession already mentioned. And the Divines do give their several Reasons, why, notwithstanding, things difficult, as well as plain; and things speculative and remote from the foundation, as well as

Rom. 14. 1.

2 Pet. 3. 16.

See, the Kings Letter.

See, Chap. 31. Of Ecclesiastical exercises in the Congregation. See, p. 3.

Lastly, some
cautions con-
cerning such
their opining
laid down.

First of all,
Negatively.

things practical and more necessary, are laid down in the Scriptures.

IV. In the next place then, we come to lay down some *cautions* concerning mens opining, in relation either to the matters of the Canon and Liturgy, or others : And that first, negatively ; and secondly, positively.

V. First of all, Negatively. And that,

1. *That they make not their inward heats of spirit, accompanying their opinings, to be the Rule by which to judge such their opinings to be true.* For this leads directly to Enthusiasme. And by the heats exerted in the way of any of the faculties or passions of mens minds, either of confidence, or zeal, or desire, or love, or especially of comfort, or the like, how easily and infinitely variously, both Satan (appearing as an Angel of Light) and mens own Fancies may delude them, we leave it to be discerned from the writings of those who have treated on purpose of such things. In the interim, if heroick motions of Gods spirit, extraordinary impulses, Christian experiences, and the like, shall be pretended ; the Scripture is to be the Rule for the tryal of all these things, and that as they relate either to opinings, or outward actions proceeding from them, *1 Joh 4. 1. Believe not every spirit, but try the spirits.* And if the contrary to these things shall be permitted in any Society whatsoever, and according to the diversity of precepts of Religion ; who sees not (the weakneses and corruptions of men being considered) but that it will quickly evacuate and destroy all Religion and Government, and consistency of Religion with Government.

2. *That they make not neither the Holiness of persons to be the Rule by which to judge their Opinions to be true.* For, Holy men are fallible, as well as others, and many times weak in Judgment, and God hath not obliged himself in the general to direct any certainly, any further then in fundamentals. Besides, Holiness is many times pretended and counterfeited on purpose for the guilding over of mens actions and designs, and the dazzling the eyes of the people, who are not able to put a difference betwixt shews and things, and are taken with nothing so much as with shews, and with no shews so much as with those of Religion. It is recorded of *Julian the Apostate*, in the Ecclesiastical History, that he wrote in his Letter to *Arsacius* the Chief Priest of *Galatia* ; *That if he would have the Gentile Religion encrease as the Christian did, he should take the Form of Religion and shew of Holiness upon him, and cause the like to be done by others : That he should encourage good Works, and Holiness of Life ; that he should not suffer the Priests to frequent Taverns, nor Plays, nor to do any thing which was not of good Fame, and the like.* And many the like other presidents in this matter are extant in Histories.

Socrum. Lib. 5.
Cap. 15.

Secondly, Pos-
itively.

VI. We come then to our *cautions* positive ; and those are also,

1. *That men weigh both sides of controversies : And especially,*
That

That they consider the reasons which Authority hath for things, as well as those which are alledged against them. Alexander is said, *When sitting in judgment, alwayes to have used to stop one ear with his hand while one accused, and to have open'd it, for the other while he justified and purged himself.* And, *audire alteram partem*, is a piece of Justice that is universally due, but much more to Publick Authority. And many times innovations in Societies, are carried on by popular cries, and pretentions, and great shews and colours for things, amongst which the considerations of the ordinary sort of men are drowned over head and ears (like a vessel over-laden sinking in the water) while the constitutions of Authority are not considered of, neither as to the long time (perhaps) for which they have been settled; nor as to the many wise heads from which they have proceeded; nor as to the reasons of weight, upon which they are alwayes to be supposed to be founded.

2. *That the special consideration of Religion's consisting with Government be thought of.* And then this will easily untie many knots, which may otherwise seem to be in things; for many things are appointed and done in Ecclesiastical Polity, for the preservation of this consistency. And this is most certain, That, *quid proximum* is sometimes to be chosen, and not *quid optimum*; not what is simply best in it self, but what is next best for such or such a Society.


3. And lastly, *That Scripture be made the only ordinary and constant Rule for the measuring the Truth of mens opinings by.* For both the Canon and Liturgy refer to it as their Divine Rule, as hath been heretofore mentioned.

C H A P. XIV.

What are the more particular *Restraints* and *Liberties*; and the *Rights* of the Magistrate relating to mens *divulging* of their *Opinions*; especially concerning the matters of the *Canon* and *Liturgie*.

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|---|--|
| <p>I. The more particular <i>Restraints and Liberties</i>, and the <i>Rights</i> of the Magistrate, as to mens venting their <i>Opinions</i>, annexed to their <i>General Rule</i>.</p> <p>II. <i>Divers</i> have been the degrees both of such <i>Restraint</i> and <i>Liberty</i>, in <i>divers Societies</i>.</p> <p>III. The <i>restraints and liberties</i> common to all <i>Churches</i> here to be laid down.</p> <p>IV. The <i>position</i>, or <i>removal</i> of either of them will evidence the other.</p> <p>V. The <i>wayes</i> of mens <i>divulging</i> their <i>Opinions</i> distinguished and referred to the <i>restraints and liberties</i> men-</p> | <p>tioned.</p> <p>VI. The <i>Querie</i> concerning the permission of mixtures of professions obviated.</p> <p>VII. The more particular <i>restraints and liberties</i> laid down.</p> <p>VIII. <i>First</i>, as to the matter of mens <i>Opinions</i>.</p> <p>IX. <i>Secondly</i>, as to the manner of <i>divulging</i> them.</p> <p>X. <i>Thirdly</i>, as to persons <i>divulging</i> of them also.</p> <p>XI. <i>Fourthly</i>, and <i>lastly</i>, as to the time of the <i>divulging</i> them.</p> <p>XII. <i>Last of all</i>, the Magistrate hath the <i>Supream Right and Power</i> in all these things.</p> |
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The more particular restraints and liberties, and the Rights of the Magistrate, as to mens venting their Opinions, annexed to their general Rule.

- I.  He General Rule of mens not *divulging* their *Opinions* to the breach of the *Peace*, and the consequent hurt of the Magistrates charge by it, having been all along hitherto laid down; and the negative part of an Ecclesiastical Uniformity consisting in the observance of it; I here come to the assignation of the more particular restraints and liberties, and the rights of the Magistrate, relating to the general matter of it.

II. And

II. And first of all, divers have been the degrees either of restraint, which hath been held over men, or else of Liberty which hath been conceded to them, either as to the divulging or not divulging their Opinions in several Societies; and that where there hath been the positive, or else only the negative part of an Ecclesiastical Uniformity. In *Spain*, and generally where the inquisition is in the *Roman Church*, men are not permitted so much as to discourse in private against the matters of the Uniformity: And if they do so, any of the company is taxable by the same Court, for not detecting and revealing of it. In the *European Churches*, dissenting from the *Roman*, generally is held the quite contrary course. And both Table discourses, and others, both *Pro* and *Con*, concerning the matters mentioned, are tolerated. And in some, both of those Churches, and the other of the *Roman* communion, there is a mixture of professions both tolerated and countenanced in their several degrees: As in *France*, *Holland*, *Poland*, and the like Countries at this day. And every State Acts in this matter according to its present occasions.

Divers have been the degrees both of such restraint and liberty in divers Societies.

III. But I intend not here only to give particular instances of these things; but to lay down the restraints and liberties which are common and ordinary (and ought to be so) generally to all Churches.

IV. And because the matters of restraint and liberty are privately opposite; therefore by the position or removal of either of them, in relation to the members of Churches, the other will be discern'd.

V. The ways of mens divulging their Opinions then, are either more or less solemn. The less solemn ways are, by private Discourses, Conferences, and the like. The more solemn, by publick Preaching, Printing, and the like. And, concerning both these, the restraints and liberties mention'd are to be assign'd.

There restraints and Liberties common to all Churches here to be laid down.

The position or removal of either of them will evidence the other.

The ways of mens divulging their opinions distinguished, and refer'd to the restraints and liberties mentioned. The Querie concerning the permission of mixtures of profession obviated.

VI. But first of all, the *Querie* is here to be obviated; *Why outward profession (taken in an abstracted sense, in respect to either of these or the like particular ways of venting of Opinions mentioned) since it is in it self one of the more solemn ways of such venting of them, is in many Societies tollerated; where perhaps either of the particular ways of either sort of them mentioned is not? Answ.* The Answer will be from the consideration of the different effects of these several particular ways of divulging of Opinions upon the charge of the Magistrate, and the state of humane affairs: And that is, that because that the ways of venting of Opinions by words, (either spoken or written) are naturally apt and fit, as to give men more particular informations, so also to excite in them both more particular, and also more vehement passions concerning things, then general and abstracted profession is; and so consequently, where different matters of Religion are, are more apt (by far) to hurle them into Religious contests (so many ways dangerous to the publick:) Therefore it is, that the way of contradictory divulging of Opinions by the mixture of professions is tollerated (and that with safety to Societies, as experience

Lib. 2. Cap. 9.
§. 8. ad fin.

The more
particular re-
straints and li-
berties laid
down.
First, as to the
matter of
mens opini-
ons.

rience shews) though not so compleat as it otherwise might be) where notwithstanding the other wayes of so divulging them by words (at least to the same degrees of solemnity) are denyed to men. For by particularities and vehemencies (both in matters of Religion and others) are the most irregular and dangerous passions stirred up amongst men. And to this topick is the use of those extreame (heretofore mention'd) in the *Roman Church* (*viz.*) of prohibiting Books in the vulgar tongue, of establishing the doctrines of the use of Images, general devotion, implicit faith, and the like, to be referred, if any man will seek after a reason of them.

VII. These things then being thus said, we come next to the assignation of the more particular restraints and liberties mentioned : And those are,

VIII. First of all, as to the matter of mens Opinions : And so first, in respect to the Canon and Liturgy, some things perhaps are not defined, neither by the Canon nor Liturgy, nor otherwise : And so are neither doctrines, nor prescript forms of worship of the National Church. And in such things there is in all Churches ordinarily a greater liberty of divulging mens Opinions supposed to be conceded to them; so in the Church of *Rome*, as to their learned mens actual debating points not defined ; and the like in other Churches proportionably, and according to their several particular constitutions. The general Rule still being heeded of the publick charge of the Magistrate its not being damnified, neither by the breach of the peace, nor otherwise. 2. Some Opinions perhaps are dissentings from the Canon, proper to the case of indefinite profession ; and men are to be very wary of divulging them, to the hurt of publick authority, by which the whole Society is preserved. 3. And lastly, Some Opinions also are differences about the Canon, proper to the case of definite profession : And there is usually supposed to be a lesser degree of restraint held over the divulging of them. Secondly, the matter of mens Opinions is considerable also, in respect to Religion : And so, 1. Some things are controversial, and dubious, and the like ; and so fit to be debated only ordinarily in Academies, and places of Learning, amongst Schollers, and persons intelligent. And it were no matter if such controversies were, to a degree fitting, permitted in Churches ; if it were but to keep wits in ure and employment, and to provide Champions for those Churches upon occasion. As *Nasica* gave Council concerning *Carthage*, *That it was not to be raced, That the Roman People might always have an Enemy to contend with.* But the great caution in this matter is, that the people are not to be called down into these Sands in the mean time. The common Adage were better for their Letany.

Apud. Flor.
Lib. 2. Cap. 15.

*A medicorum Recipe,
A Juris Consultorum excipe,
A Theologorum distingue,
Libera nos Domine :*

*That they should pray to be delivered
From the Receipts of Physicians,
The Cases of Lawyers,
And the distinctions of Divines.*

Secondly, some things are practical, and such as concern good life and Godliness. And Scripture, and Reason, and Prudence, will allow a greater liberty about them. Mens divers notions concerning them may tend to edification ordinarily, and not to destruction.

I X. In the second place, we come to the liberties, in respect to the manner of mens divulging their Opinions. And so also, 1. It should be with humility and submission, and not on the contrary, with pride and confidence, and singularity, and the like, at least before the people. 2. There is a less degree of liberty conceded to intemperate zeal, and undue vehemence of assertion, and the like. Not that it is at all the intent of the Uniformity to extinguish the Noble and Generous heats of such zeal as is truly Christian, but only to regulate it, when it is unduly exerted. Where is mens zeal for practical Godliness? for the evident duties of the second Table? The thoughts of these things do use to be buried many times as deep as the centre, under the dusts of unprofitable and perhaps malignant Opinions; which use to be raised when men have a mind to innovate in Societies, and to gain the trophies of honour and temporal emoluments out of the hands of others. 3. Passionate expressions, and sharp reflections on others should be laid aside also. The Apostles themselves were fain to observe such rules as these, for the preservation even of their first Christian Churches, *Phil. 3. 15. If in any thing, says St. Paul, ye are otherwise minded, God shall reveal even this unto you.* And reflections and passions, when once grown popular and common, are like the risings of the waves at Sea before a tempest, and do argue commotions and storms to be approaching in Societies.

Secondly, as to the manner of divulging them.

X. In the third and last place, the quality of the persons divulging Opinions, is also to be heeded: And so, 1. Young men are supposed to be advised to a greater silence: And men of mean and weak parts: And for these principally is the use of Homilies appointed ordinarily in Churches. 3. It is but reason that persons suspected or observ'd to be seditious, disloyal, and the like, should be more narrowly watch'd over, and more nearly restrained, if there be occasion. And then,

Thirdly, as to persons divulging of them also.

XI. Fourthly and lastly, all these sorts of persons and things, and the like to them, are then most of all to be heeded, when the present temper of the people is seditious, and any ways inflamed, either by some encreasing or decreasing Sect or Sects in Churches. Only in some cases the heats of them are rather to be permitted to coole by degrees; then that at once there should be endeavours used to extinguish them.

Fourthly and lastly, as to the time of divulging them.

XII. In the last place then, the Magistrate, who hath the Supream and ultimate power of laying a restraint upon the divulging of mens opinions in the general, hath also the same power of doing the same thing as to all these particular ways and cases, relating to the divulging of them, which have been mentioned: Especially, as to the

Last of all, the Magistrate hath the Supream Right and Power in all these things.


more ordinary solemn ways of divulging of opinions : 1. By preaching ; and 2. By Printing. 1. By Preaching, as was mentioned above. So it is both amongst *Turks* and *Christians*, and all Kinds of Professions. And the *Laws of Geneva* prohibit the setting forth of strange Doctrines (in the Church) and the like, as was mention'd. And in *Holland* at this day, he that medleth with State matters in the Pulpit, after two admonitions, hath two *stivers* and a pair of Shooes sent him, if he do it the third time, and is forthwith banish'd the Country.

2. By Printing. And the use of the Magistrates Right of laying his restraint upon this too is in like manner common to all Countries and Professions, and to some in the extream; so (says *Georgievix*) amongst the *Turks*, *Apud illos sane nullos vidi Typographos, &c.* Amongst them truly I saw no Printers. And *Chytraeus* of the *Constantinopolitan Greeks*; *Typographiam nunquam habuisse creduntur* : That they are believed never to have had Printing amongst them. And of the *Jews* there, *Habent enim Judei Prelum, sed ut plurimum cessans* : That, the *Jewes* have a Press indeed, but for the most part not going. And, *Paulus Oderbornius* of the *Tartars*; *Si Alcoranum, vel alium quemvis librum Typis Editum hic videre licuisset; eum certe vel magno pretio comparatum ad te misissem*: If I had here seen the *Alcoran*, or other Book, set forth in Print, although I had given a great price for it, truly I had sent to you. And if we look nearer amongst the *European Christians*. *Pseudographæ, & dubia Narrationes, &c. ne credantur, nec legantur* : Let not libellous, and offensive Papers, either be believed, or read, say the *Lawes of Charlemain*. And of the *Russians*, *Fletcher*; Some years past, in the other Emperours time, there came a Press and Letters out of *Polonia* to the City of *Mosko*, where a Printing house was set up with great liking and allowance of the Emperour himself : But not long after the house was set on fire in the night time, &c. And in the *Roman Church*, it is part of the Office of the Inquisition to regulate Books and Printing. And, in the Acts of the late Synod of *Dort*, the regulating of Printing was one of the first things which the Synod took into consideration: *Putamus rem esse omnino necessariam, & saluberrimam, ut Licentia Typographorum reprimatur, &c.* We think it to be a thing altogether necessary, and most wholesome, that the License of Printers be restrained, say the *English Divines*, and so the others. And, the Discipline of the *Dutch Churches*: If a Minister have the gift of writing any thing for publick Edification, he shall not put it in Print without the examen and approbation of the *Classis*. And last of all, the matter of Books (saith *Father Paul*, in the case of *Venice*) seems to be a small thing, because it treats of words. But through these words come opinions (saith he) into the world, which cause partialities, seditions, and finally wars. They are words, it is true; but such as in consequence draw after them Hosts of armed men.

C H A P. XV.

Of the Supervisors in an Ecclesiastical Uniformity.

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| <p>I. THe Reasons for the Supervisorship in an Ecclesiastical Uniformity.</p> <p>II. The several sorts of the Supervisors distinguish'd.</p> <p>III. The Supreme Supervisor assign'd: And the Reasons for his being so.</p> <p>IV. From whence he derives his Right.</p> <p>V. The Deputative Supervisors further distinguish'd.</p> <p>VI. The <i>Επισκοπος</i> or office of</p> | <p>a Bishop in the Christian Church.</p> <p>VII. The matters to be Supervis'd by these Supervisors.</p> <p>VIII. The care to be taken in the Supervising of them.</p> <p>IX. The Ecclesiastical Tribunals for the exercise of that care.</p> <p>X. And the stated Circuits for Visitation.</p> <p>XI. The last Appeals ought alwayes to be made to the Chief Magistrate.</p> |
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I.  He matters of an Ecclesiastical Uniformity then being of so great weight as hath been all along hitherto declared; and the corruptions and weakneses of men being so apt to intermingle with them, and to busie themselves about them; it is but reason that a superiority should be Constituted in relation to them; and which is necessary to the Application of the more particular powers, and to any due care to be taken about them. *Non tantum decenter leges ferre summo bono est, sed etiam sancita accurate custodire & ad effectum deducere,* sayes the Emperour Tiberius in the Civil Law: That it is not onely for the Sovereaine good of Societies that Lawes be well made, but also that they be well kept, and looked after, and brought to effect.

The Reasons for the Supervisorship in an Ecclesiastical Uniformity.

C. In Constitutionibus Imperator. Tiber. De Provinc. Praesid. Constitut. 3.

II. The Supervisors then in an Ecclesiastical Uniformity are of divers sorts and degrees, in relation to the affairs of it: They are such either as *Supream*, or *Subordinate* and by *Deputation*. And those by Deputation again are such diversly, and according to the several Modes of Ecclesiastical Polity in several Societies, and the occasions of them.

The several sorts of the Supervisors distinguished;

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III. The

The Supream
Supervisor
assign'd, and
the reasons
for his being
so.

Supra Lib. 1.
Cap. 5. & lib.
2. cap. 6. §.
21.

From whence
he derives his
Right.

The Deputa-
tive Supervi-
sors further
distinguish'd.

Lib. 2. cap. 6.
§. 4. & 10. &
olibi.

Lib. 2. cap. 6.
§. 4.

III. The supreme Supervisor in every Ecclesiastical Uniformity is the *Chief Magistrate* or *Sovereign Prince*. And the Reasons for his being so are, both because he hath the supream and universal charge of all, and the management of the affairs of it committed to him by God, as hath been heretofore evidenc'd; and also because he is suppos'd then by consequence, and from his actual Management of those affairs, to have the best knowledge of all occasions both of Church and State, and which concern his Supream Publick charge mentioned.

IV. And he hath the Right to this his Supream Superiorship partly by vertue of his *Supreme power over all*, and partly by vertue of his *indirect power in Spirituals*; and by vertue of either, from the immediate donation of God. And this supream Supervisorship is one of the Magistrates more particular Rights above mentioned: And he hath alwayes held it generally in all Ages and Societies. The *Egyptian Hieroglyphick* for Government was an *Eye in a Scepter*: and the chief Magistrate is like a watchman upon a Tower, who is to look down and view the general state of his people.

V. The *Deputative Supervisors* then are those also, who derive their Right of such their Supervisorship either from the Supream Supervisor mentioned, or else from Christ: And they also are either *Supream* or *Subordinate*, and these again either more or less *Subordinate*, either *pro tempore*, or *pro perpetuo*. And all of them are the Church Governours or Ecclesiasticks ordinarily, although sometimes others also, in any Societie, either Christian or other, and in their severall degrees and Spheres of Order and Government, and according to the severall Modes of Ecclesiastical Polity in severall Societies, and the Occasions of them; and who, so far forth as they are invested by the Supream Magistrate, derive their Right either mediately or immediatly from him; and so far forth as by Christ in like manner also from him. And this Ecclesiastical matter of Supervisorship; so far forth as it is Ecclesiastical, and relates directly to Religion; is alwayes ordinarily and most properly thus to be committed by the Supream Magistrate, and so far forth as belongs to him, to Ecclesiasticks or Churchmen; because it belongs to them in the nature of the affair, and in relation to their being such a peculiar sort of members of their distinct Church-Societie, as was above mentioned more in the general. And these supervisors also have been accordingly alwayes divers, in the divers sorts of Churches and Societies that have been in the World; So in the state of the *Jewes*, and in the Ancient Heathen Church-Societies, both amongst the *Greeks* and *Romans*, and others, as hath been also partly mention'd under another notion above. And in the Christian Church, whether more *Primitive* or *Papal*, the Records concerning these things are to be seen in the *Code* and *Novels* of *Justinian*, in the *Body* of the *Canon Law*, up and down in the *Canons* of *Councils*, and

and the like. In the *Code* and *Novels* there are mentioned, as was partly above said, the *Patriarchæ Metropolitanæ*, *Archi-Episcopi*, *Episcopi*, *Presbyteri*, *Diaconi*, *Sub-Diaconi*, *Exorcista*, *Leitores*, *Ostiaarii*, and *Artolythi*: The *Patriarchs*, *Metropolitans*, *Arch-Bishops*, *Bishops*, *Priests*, *Deacons*, *Sub-Deacons*, *Exorcists*; nay, even the *Ostiaarii* or *Door-keepers*, the *Arolytes* or more inferior orders of *Servitors* in Church affairs, and the like others of divers sorts and degrees, as may be seen. And so also in the same Law there are to be seen the Papal Offices of *Legate a latere*, of *Inquisition*, and the like describ'd and recorded; and the like might be said also concerning other Monuments and Churches, either more Ancient or Modern, and as they have subsisted in their several times, or manners in the World.

Val. G. De Epif. cop. & Cler. L. 6. c. p. r. Tit. de alibi. & Novel. Vid. Const. 5. 6. c. 28. & 53. c. 67. & 123. & alibi. Vid. Scuti lib. 1. Tit. 6. prop. fin. Et ibid. Tit. 15. Et lib. 5. De Hæretic. Et Clem. in lib. 5. Tit. De Hæretic. Et alibi. The *Exorcist* 705, or Office of a Bishop in the Christian Church.

VI. As to the Christian Church then in particular, and the offices constituted by Divine Authority in it, we have here lighted upon the office of an *Επίσκοπος*, Bishop, or Overseer Ecclesiastical of the affairs of it; and who is so termed, up and down in the new Testament, by way of Emphasis and Eminency, and in a way proper to himself, and distinctly from others. And he is the Supream Supervisor in every *Ecclesiastical Uniformity*, who is purely Ecclesiastical; and who by virtue of the Institution of *Christ*, and according to his being indued with suitable *Direct power in spirituals* from him, is bound *ex officio* to look after the affairs of the distinct Societie of the Christian Church in the General; besides what more particular powers he may, at any time, and in any more particular Mode of National societie, derive from the supream Magistrate, principally for the sake of the *Consistency of Religion with Government*. In the interim, this office he is ordinarily to spend his time in, and to look after, and to mannage it with great care and prudence: and that because, without a due oversight of affairs, the particular Church Powers cannot be rightly applied and brought to effect, as was said; and without the Application of them aright, there can be no well-being for the Church-Societie. So then, the due discharge of this great office of trust is fundamental to the well-being of the Christian Church; besides also what respect it may have to the welfare of Civil Government and all Humane Societie in any state or Common-weale. There are some who mix this supream Ordinary Ecclesiastical Supervisiorship; and who, by constituting the persons called *Lay-Elders* to be *Jure Divino*, do divide and share the Ecclesiastical Supervisiorship betwixt *Licks* and *Ecclesiasticks*. So the Church of *Geneva*, both expressely and in effect, both by their constituting their *Elders* or *Commissioners for the Seniors* to be one kind of the perpetual Church-officers, and also by their appointing the Magistrates to chuse two of the Council to joine with the two of the Congregation chosen by the Ministers in the ordinary Act of *Visitation*, or supervising of affairs. But those, who thus mix the Civil and Ecclesiastical

Hic Supra §. 1.

See the Lawes and Statutes pag. 1. & pag. 10, 11.

Powers, do practise against the Generality of Presidents of all former Churches, and Ages; and do so far forth as they thus mix their affairs, do that which tends to the confounding of the distinct Societies of Church and State in the World. The Ordinary Church-Office of a *Bishop* or *Ecclesiastical Superintendent* or *Supervisor* of affairs, with the reference of things sometimes to a *Synod*, hath been ever under Divers Modes and Politicks, and generally in all kinds of Churches whatsoever made use of and asserted: and even in the *Mahometan* Church at this day they have their *Cadii* or Ordinary *Bishops*, their *Hoggiæ* or *Prebyters*, and their *Talis-mani* or *Deacons*; and the like have been also in other Ages and Churches: not but that the welfare of the people (which is the things certainly meant in the constitution of *Lay-Elders*) and of the Common Society, ought alwayes to be provided for, and taken a care of in this matter of Church-Government, as well as others; but that is accordingly secur'd in this particular by the Liberty of *Appeals* to the Prince, who is the supream Supervisor ore all; and the powers attributed to the *Lay-Elders* are in the mean time misplaced in them. And if the Consistency of the Ecclesiastical estate with the Civil be alleadged; it is also supposed to be provided for by the supervision of the Chief Magistrate.

Vid. Leunclav.
Pandect. Hist.
Tunc cap. Gradus
Legis &c.
Et in Supplement.
Annal. C. 1576.

The matters
to be super-
vis'd by these
Supervisors.

VII. The matters then to be supervis'd in every Ecclesiastical Uniformity, are, either *Ordinary*, or *Extraordinary*. The *Ordinary* do use to be comprehended within the *Disciplinary* constitutions or *Canons* of any National Church; the *extraordinary* are according to the emergent and temporary Occasions of it; and there are some of each of these which are of more moment, and some of less, in respect to the welfare of the Supreme Publick Charge.

The care to
be taken in
the supervi-
sing of them.

VIII. And as to that great care also which ought alwayes to be taken about the Supervising of these matters; the State both of *Persons* and *Things* ought to be taken cognizance of by the Supervisors in their several places: Their Eye ought alwayes to be wakeful, like that of the *Dragon* watching over the *golden Apples* of the *Hesperides*. And last of all, the first breakings out of any Fire of Contentions, or of any other misdemeanours in the Church whatsoever, ought to be timely stopped: as the breakings out of Fire in the *City*, were to be stopped by the *Præfectus Vigilum* amongst the *Romans*.

Ὁ ὅτι τοῦτο ἐστὶν ἐν τῇ πόλει ἀνάγκη.

It behoves not a consultor of the Publick Good to sleep all night.

And *Sciendum est autem Præfectum Vigilum per totam noctem vigilare debere, & oberrare calceatum, cum Hamis, & Dolabris, &c.* sayes *Paulus* in the *Civil Law*; That it behov'd the *Præfectus Vigilum* to watch all night, and to walk on foot every where about the *City* with Hooks and

D. De officio
Præfecti vigi-
lum. L. 3. §.
Sciendum est.

and Axes, &c. And *Philosophus igitur, & iracundus, & volax, & robustus natura erit, qui civitatis Custos optimus est futurus*, said Plato: That he who is a seeker after knowledg, and angry upon occasion, and active, stout by Nature, is likely to be the best keeper of a City.

De Rep. Dial.
2. prope fin.

IX. In order to these ends then, and for the due application of their severall powers accordingly, the Supreme Ecclesiastical Supervisors ought to have the dispensing of Church Censures, and their Ordinary Tribunals and Consistories, or Courts Ecclesiastical, at which Causes may be heard, and matters, according to Truth and Piety, may be determined. The *sacrum Consistorium* is many times mention'd in the Code and Novels of Justinian. And there are all the same reasons in nature for it in this matter, which there are for all other Courts of Judicature in others.

The Ecclesiastical Tribunals for the exercise of that Care.

X. The Ordinary Ecclesiastical Supervisors ought also to have their stated Circuits, or Journejes, or Visitation. And those, whether Deputative, or Personal; whether more or less frequent, according to the severall Occasions and Constitutions of Countries: And he that Travels in those Circuits is called *Visitator, aut Circuitator*, and the like in the Code of Justinian: and those Circuits are in like manner common also to all National Churches.

Vid. G. De Jura jurando propter Calumniam dando. Principales personæ. ¶ Sed si. Et alibi.

And the stated Circuits for Visitation.

XI. Last of all then; and in relation to all these matters which have been mentioned; The cheif Magistrate in every National Church ought alwayes to retain the Right of receiving the last Appeals concerning them. And in this there will be this Right, necessary for his Government, done to him, and Sanctuary also provided for his people. And the Court of Rome then in this matter, unjustly demands Appeals to be made out of the Dominions of Princes.

De Episcop. & Cler. L. Omnes adhibentes. ¶ 9. Et alibi. The last Appeals ought alwayes to be made to the cheif Magistrate.

Gggg

CHAP.

C H A P. XVI.

Of the Supreme Interpreter in an Ecclesiastical Uniformity.

- I. **O**F how great moment the Office of Supreme Interpreter is.
- II. The Authentick Interpreters in any National Church distinguish'd. And the Supreme Assigned.
- III. The Right of the Supreme, in respect to his Interpretership, asserted.
- IV. The Opposers of it Taxed.
- V. The Principal Assistances, in respect to the Actual exercise of it, assigned also?
- VI. The Conclusion of the Whole.

Of how great moment the Office of Supreme Interpreter is.



Having discoursed over all these preceeding matters, relating one way or other to an *Uniformity* in Churches, and the Constituting and rightly ordering of it; I come here last of all, to State the *Office of Supreme Interpreter*, and to whom it doth belong. Which *Office*, and the discharge of it, of how great moment it is, in respect of all Humane Societies, and the members of them, it may be more then conjectured from hence, (*viz.*) from such the Supreme Interpreter his becoming the *Judge of Controversies*, and having it in his hands at any time to fix what Doctrines of Religion he pleaseth in any National Church: which he that shall have the Faculty and Power of doing, what influence may he not have both upon all Divine and Humane affairs? and whether they relate either to Religion or Government, or the consistency of each with either!

The Authentick Interpreters in any National Church Distinguish'd, and the Supreme Assigned.

II. The Authentick and Publick lawful Interpreters then in any National Church, and in relation either to its Temporary or Perpetual occasions to the Original Divine, or the Derivative Humane Canon of Doctrines, or to the *Liturgy*, or any other more derivative Writings, or other matters framed from it, and according to it; are of divers sorts. They are either *Supreme*, or *Subordinate*. The Supreme is the Chief Magistrate, as shall be further evidenc'd by and by. And the Subordinate are, ordinarily and most properly, in relation to matters directly concerning Religion; the *Ecclesiastics* or *Church-men* in any Society: And that in their several Capacities,

capacities, and according to the Designation and intent of their Ecclesiastical Function in the general, and also as deputed in Ordinary by the Supreme Magistrate mentioned. And in relation to matters more directly concerning Government, he hath his Counsel, or Ministers of State (of what kind soever) ordinarily to attend him. Yet, *Omnium tamen harum & Interpretandi Scientia, & Actiones apud Collegium Pontificum erat*, sayes Pomponius in the Digests. That the Colledge Pontifical, amongst the Romans, had so great veneration shewed to them, as that they had the power of Interpretation committed to them, even in Civil Actions and Causes. And this might be either for more Special or common reasons. The Subordinate Interpreters then again are such either in *Conjunction one with another*, as in the Church Representative; or else *simply*, and by themselves, as in more ordinary Cases. And in both these Capacities, they are so many times in Conjunction one way or another with the Civil Magistrate: And in each of these Capacities again their Interpretations also are such either *pro tempore*, or *pro perpetuo*. And those *pro perpetuo*, and fixedly, are ordinarily in Writing. And those *pro tempore*, and upon any temporary occasion, are either in *Word*, or in *Writing*. And the Interpretations of each of these sorts and degrees of Interpreters, ought to have their due repute and credit amongst men. The Liberties however, which have been heretofore mentioned as belonging to the members of any National Church, in respect to these Interpretations, being reserved to them in the mean time.

D. De Orig.
jur. L. 2. §.
Deinde, Ex huj.

III. But amongst all these sorts of Interpreters, it is the *Supreme Interpreter* still, who stands in the most important relation, as was said, to the matters of an Ecclesiastical Uniformity; and whose office therefore is here most designedly treated of. And the Chief Magistrate hath his Right and Title to this his Supreme interpretorship derived to him from all the three sorts of Lawes, which are observable amongst men, (*viz.*) both from the Law Natural, and the Divine, and that of Nations also.

Lib. 2. cap. 4.
§. 4, 5, &c.
And cap. 11. §.
6. & alibi.
The Right of
the Supreme,
in respect to
his Interpretor-
ship, Asser-
ted.

1. From the Law Natural. And it dictates his Right and Title to it, evidently and necessary, for the preservation of his Publick Charge in all the parts of it, and especially in that of the Consistency of Religion with Government: Which, how easily it may be subverted, and the Magistrate wronged and ruined by any other, if he shall have the faculties of this Supreme Interpretorship in his hands, it was but now mentioned. And what a Temptation also the Magistrates Temporal Splendors, and his Crown and Dominions will be to any one, so to attempt the Ruine of him, it needs not be here mentioned neither. And this more particular Right and Power then of the Chief Magistrate is one Principal part of his *Indirect Power in Spirituals*; and which is more especially necessary for the retaining his more General Right above mentioned, of the framing his Ecclesiastical Uniformity in any Society.

Lib. 2. cap. 11.
§. 2. & 4.

2. In

2. In like manner also is this *Supreme Interpretorship* of the chief Magistrate dictated by the Divine Law of both the Testaments and Books of God. So in the Old, in relation to the Kingdome of *Israel*. At the delivery of the Law, at mount *Sinai*: *Moses* was Gods Messenger most eminently Authorized, and went down, saith the Text, unto the People, and spake unto them, *Exod. 19. 25.* and *vers. 24.* *But let not the Priests and the People break through to come up unto the Lord, lest he break forth upon them.* And it was accordingly fixed for a perpetual Law in *Israel*; that the Supreme Judge of Controversies (as well Sacred as Civil) should be the great *Synodrian*, or Kings Council, assistant to him, meant by the *Judge in those dayes*, *Deut. 17. 9. and 12.* And this was the *Right* which was exercised by *Jehosaphat*, *2 Chron. 19. 8.* Moreover, sayes the Text, *in Jerusalem did Jehosaphat set of the Levites, and of the Priests, and of the Chief of the Fathers of Israel, for the Judgment of the Lord, and for Controversies, when they returned to Jerusalem.* And afterwards *vers. 11.* He deputed *Amariah*, principally in all Sacred, and *Zebadiah* in all Divine matters. And who knowes not but that the Supreme Authority in *Israel* did exercise the Supreme Power of Judging of all kinds of Superstitions, and Idolatries, Blasphemies, Heresies, and even of Prophecies, and Miracles, and the like? See *Deut. 12. 28, 29, 30, 31, 32.* *Deut. 13. 1, 2, 3, 4, 5, 6, &c.* *Deut. 17. 2, 3, 4, &c.* *Deut. 18. 9, 10, 11, 12, 13, 14, 15, 16, &c.* *Levit. 24. 10, 11, 12, 13, 14, 15, 16, &c.* If we look into the New Testament, the same thing is assented to, and approved of by it: and although the Christian Church, at the Writing of it, were not National, yet it provides for its being National: It commands in the general, the giving unto *Cesar* that which is *Cesars*, *Mat. 22. 21.* It appoints in the case of the Trespas of a Brother, the telling it to the Church (*i.e.*) as dependent ultimately upon the Chief Magistrate, *Matth. 18. 15, 16, 17.* It appoints Prayers to be made, for Kings, and for all that are in Authority; that we may lead a quiet and peaceable life, in all Godliness and Honesty, *1 Tim. 2. 2.* and the like. And lastly, the Apostles, when they practised the first Plantation, and setting up of the Christian Religion, against the likings and Authority of the Governours of *Judea*, the Roman Emperors, and the like; it was in the reserved Case of a particular command from Heaven pressing them to it.

3. If we look then further, to the Law and Customes of Nations; the same Tenour of practise also, we shall find to have been generally every where observed, and in all Ages and humane Societies. And it is at least a tacite compact generally amongst them, that the Sovereign Prince have the power of the Interpretation and judgment of any publick Doctrines of Religion whatsoever, and of the admission and establishment of them in his Ecclesiastical Uniformity. So in the admission and establishment of their own Publick Doctrines

ctrines at home: And in all Embassies about the Admission and establishment of them abroad. So in the Intreaties and Supplications of exil'd and dispersed Nations; and who are not associated locally under one Head: And so in any other of those that are; and whether they do at any time treat or intercede, either that their Profession of Religion may be only tolerated, or else established authoritatively as national in any Society. And the humane Histories, and other Monuments and Records abroad in the World, are full of the more direct instances in this matter. Amongst the Greeks; The Senate of *Athens*, and the *Areopagus*, and other Tribunals, did debate formes of Religion, Blasphemies against the Gods, divulging of Mysteries, and the like, both Sacred and Civil matters; sayes *Plutarch*, *Diogines*, *Laertius*, and others; to be propounded ultimately to the People. And *Eschines* recites the words of the Law against *Demosthenes*, *Καὶ ὅτοι δαυτὰς ἐν ἡγεμονίας δίκασθαι.* And who-so-ever receive the Powers of Interpreting the Lawes from the People. Of the Roman State, sayes *Pomponius* in the Civil Law, that in the beginning of the City, *Omnia manu a Regibus Gubernabantur; all things were governed immediatly by the Kings.* And afterwards, when publick Authority had fetched Lawes from Greece; it also gave the Power of the Interpretation of them. And *Cicero* in his Oration to the Pontifes; *cum multa divinitus, Pontifices, à majoribus nostris inventa atque instituta sunt; tum nihil præclarior, quam quod vos eosdem & Religionibus deorum immortalium, & summæ Reipublicæ præesse voluerunt. Ut Amplissimi et Clarissimi Cives; Rempubliacæ bene gerendo, religiones religionibus sapienter interpretando; Rempublicam conservarent.* Whereas many things, as it were by inspiration from Heaven, O ye Pontifes! have been found out, and instituted by our Ancestors; truly nothing more excellent then that you the same persons should preside both over the Religion of the immortal Gods, and also over the summe of the Common-weale. That the most Honourable and Renowned Citizens, by the well discharging of office in the Common-weal, by the wisely Interpreting of matters of Religion by matters of Religion, might conserve the welfare of the Common-weal. If we look into the state of the Christian Church, so soon as it came to be National; *Constantine*, and the other Emperours, sayes *Eusebius*, and the other Ecclesiastical Histories; did in person, many times, preside in Counsels, and Synods Ecclesiastical. And up and down in the Code and Novels of *Justinian*, Confessions of Faith are established by the Law Imperial; Heresies are Anathamiz'd, and the like. The imperial decision of matters, is stiled an Oracle. The Emperour's sentence called a Divine Sentence. And finally, the Supreme Interpretation of all Lawes, both Divine and Humane, both Sacred and Civil, is claimed as a right belonging only to the Prince. *Inter æquitatem jusque interpositam interpretationem nobis solis et oportet et licet inspicere. It*

H h h h

belongs

In Solone. In
Aristippo lib. 2.
Orat. in Ctesiphont.
paulo post princip.
D. De Orig. jur. L. 2.
D. Eodem. L. 2.
¶ Exod. Pro Domino suo.
in princip.

De Vita Constant. lib. 1. cap. 37. alibi.
Vid. C. De Summa Trin. L. nullus Hæreticus.
Et L. Cum rella. Et alibi.
C. De Hæreticis & Manichæis. L. Quoniam multi.
Et De veteri jure Enucle. C. L. 1. §. C. De Legib. & Constitut. princip. & edit. L. 1. C. eodem L. 9.

belongs to us only, both out of duty, and by our office, to have the inspection into the Interpretation betwixt the equity and letter of the Law, sayes the Emperour Constantine. And the Emperours Valentinian and Martian, *Leges Sacratissime, quæ constringunt hominum vitas, intelligi ab omnibus debent. Si quid vero in iisdem Legibus latum fortassis obscurius fuerit, oportet id ab imperatoria interpretatione pate fieri.* The most Sacred Lawes which do bind the lives of men, ought to be understood by all. But if there be any thing established in the Lawes, which perhaps is more obscure; that ought to be explained by the Imperial Interpretation: And the like many other Lawes might be mentioned. Last of all, If we look abroad amongst the more modern practises of Countries, and such as are at this day amongst the Mahometans; although the Chief Musti at Constantinople be *Instar Papæ nostri, vel Patriarchæ Græcorum. Quippe jâris omnis & Sacrorum Rex est; uti veteres etiam Romani loquebantur*, sayes Leunclavius; like our Pope in Italy, or the Patriarch of the Greeks: for he is the King of all Law and Holy Things; as also the Ancient Romans were wont to speak; Yet it is indeed in Subordination to the Emperour, and according to his will really guiding him. And it is said, that for not Interpreting according to the mind of his Master, not long since, the Musti at Constantinople was degraded and sent to be Musti at Damasco; and that he died by the way in his journey thither, at Aleppo. The like to this up and down in Europe is the Right exercised by all Princes in their severall wayes, and according to the severall modes of their Countries. And the Princes only do appoint and constitute the Ordinary Interpreters of Lawes. So saith the *Ordines Sustanie, Fragosus*, and others, that it is commanded to the Judges; that where the Lawes of the Kingdome, and the Civil Law, are deficient they should have recourse to the Glosses of *Accursus* and to *Bartolus*; and by the Laws of the Kingdome of Castile, the Judges are appointed to give sentence according according to the Opinions of *Johannes Andreas*, and *Panormitanus*, in the Law Canon; and of *Bartolus* and *Baldus*, in the Civil Law. And in Germany, Charles the fifth, in his *Criminal Constitutions*, commanded the Colledges of Civil Law Doctors, in the Universities appointed by him for Interpretation, to be Consulted, if any thing doubtful or obscure should occurre in those his Constitutions. Finally, by the general consent of the Civilians, the Imperial Interpretation, is held to be Authoritative and necessary, and such as must be obeyed, upon the only account of Command and Sovereign Power. And indeed whose should the Supreme Interpretation of Lawes be, but theirs who made them, and who have the Legislative power in their hands? and that rightly and necessarily; since the interpretations of Lawes are Lawes themselves, in effect, and in the decision and determination of all causes by them. And the same reason there is for these things, and much more in Lawes

Eccle-

Vid. C. De
Legib. & con-
stitut. Prin-
cip. l. 12. Et C.
De veteri jur.
Enucle. and L.
Auctor. §. 4.
Et C. eodem
l. Dedu nobis.
§. 21. Et in
Novel. Constit.
112. cap. 1. Et
alibi.
in Pandect.
Hist. Twc.
Gradus Legi-
Mahum. &c.

Lib. 2. Tit. 5.
De Regim.
Reipub. Chris-
tian. p. l. lib. 4.
disp. 10. §. 3.
n. 187. Vid. in
Legib. Ordin.
lib. 4. Tit. 1. l.
4. Et Diaz. de
Montalu. ad
Leg. For. Hisp.
lib. 1. Tit. 6.
n. 1. in addit.
Vid. Constit.
Car. 5. Crimi-
nal. cap. ult.

Ecclesiastical then in Lawes Civil; things being weighed on both sides, and proportionably in respect to both. And whithersoever we will look abroad in the World; and wheresoever any Canons of Doctrine or Liturgies are established in Churches; we shall find the Authority, that first constituted them, retaining also the Supreme Right of the Interpretation of them.

The Opposers
of it Taxed.

IV. Amongst those then that make Opposition against this Right of the Supreme Magistrate in his Ecclesiastical Uniformity, the *Papal Infallibility* heads the foild, and in effect shuts out the Scripture from being made use of for the determination of Controversies; and establisheth those Traditions, a certain and definite Catalogue of which would never yet be given. Hence are the Interpositions of *Rome*; whether by its particular appointment, or the actings of its Instruments, upon every occasion of Schisme in the dissenting Churches of *Europe*, to perswade that they would return to the *Infallible Judge of Controversies* in the Roman Uniformity. Such was the *Enoticon dissecti Belgii*, in the time of the dissensions of the *Low Countrie*, occasioning the *Synod of Dort*. Such also was of late the *Fiat Lux* in *England* prohibited by Authority: And concerning this pretended Infallibility we shall further only write the words of Mr. *Chillingworth*; *It is strange, saith he, if the Bishop of Rome be Constituted by God in an Office of so great moment as that of an Infallible Judge of Controversies; that there should be nothing at all, no evident direction in the Scriptures to send all men to him for determinations.* The like Injuries do they also do to the Supreme Magistrate, whosoever they are, that upon any other pretensions whatsoever do claim from him this Supreme Interpretorship. And lastly, they who assigne God himself, speaking in the Scriptures, to be the Interpretor of his own Lawes; speak not reason, nor reach not the Case (common to all Humane Societies and their Ecclesiastical Uniformities) of emergent Controversies. In vain then doth Mr. *Cameron* in this Case, compare the speaking of God in the Scriptures, with the speaking of a King by his Instructions to an Ambassadour, of a father by his Testament, of a Judge by his Sentence, and the like; and ask whether such things do not express the mind of these persons, in the same manner as the vocal word and lively voice doth? And who knowes not that all Courts of Judicature, and Humane Tribunals, in all Ages of the World, and in all kinds of Controversies and Causes whatsoever, have ever been forced (by even what nature it self, in this matter, and present occasion hath exacted from them) to proceed by the way of a *Living Judge*, for the determination of those Controversies? *Ad ea debet aptari jus, quæ frequenter & facile eveniunt,* sayes *Celsus* the Civilian; That the Law ought to be fitted to those cases, which do frequently and easily fall out. And *Ulpian*, *Inter litigantes non aliter Lis expediri potest, quam si alter Petitor, alter Possessor*

Edm. 1618.

Against Knot.

De Judice
Controversia.
rum. cap. 9.

D. De Legib.
& Senatus
consult. L. 4.
D. De Judiciis
L. 52.

seffor sit: That between two parties litigant, the Contention cannot be otherwise put to an end, then by the ones being Plaintiffe, and the other defendant before a Tribunal. And innumerable other the like Testimonies and instances might be given in this matter.

The principal Assistances in respect to the Actual exercise of it, assigned also.

V. In the interim, the Principal Assistances, which the Chief Magistrate may have in this matter of his Supreme Interpretorship, and upon any occasion whatsoever of his actual Employment of himself in it, are the Subordinate and Deputative Interpreters, which have been mentioned: And that according to the peculiar quality of any particular sorts of affairs which may occur, and as they are more or less proper to either sort of those Interpreters (either Laicks or Ecclesiasticks) to advise in; and as they do, in any degree or kind whatsoever, concern any particular Society.

The Conclusion of the Whole.
De Turcarum.
Ritub. In Epi-
stola nuncupa-
toria. Pio &
Christiano Le-
gati, &c.

VI. We have put an end to this Work. We Conclude with fervent wishes of Peace to all Christian and Humane Societies. *Sæva discordia, & Principum nostrorum intestina bella hoc mihi peregrino pepererunt, Christiane Lector! &c.* sayes Georgieviz the Turkish Captive: O Christian Reader! It was raging discord, and the intestine Warres of our Princes, which brought forth this evil to me a Stranger; that being spoiled of all my Goods, bound in Chains, led like a beast to market, through Towns, and Villages, and Streets; through the rough and dangerous places of Thrace, and the lesser Asia; I was sold seven times, and there under the Turkish and Rustick slavery, and harsh usage, in hunger and Thirst, in cold and nakedness, lying under the open Heaven, I was compelled to feed a flock of sheep and herds, to betake my self to plough, to look to Horses, and to learn the Art of Warre, &c. And Zago Zabo in his Confession of the Ethiopian faith; *Multo consultius erit hujusmodi Christianos homines; sive Græcos, sive Armenios, sive Ethiopes, sive ex quavis septem Christianorum Ecclesiarum; in charitate, & Christi amplexibus sustinere, sine contumeliis permittere, &c.* It would be far better, in relation to Christian men that are strangers in Countries, whether they be Greeks or Armenians, or Ethiopians, or out of any of the seven Churches of Christians, to support them in Charity, and the Embraces of Christ, to permit them without Reproaches to live and converse amongst other Christian brethren; because we are all Children of Baptisme, and do believe unanimously concerning the true faith: Neither is there any reason why there should be such sharp disputings about Ceremonies; but that every one should observe his own, without hatred and inveighing against others, &c. And the Heathen Tragedian.

Apud Damia-
num: Gues.
De Ethiop.
Morib.

Seneca. In Her-
cule furent.

*Si Æterna semper odia mortales agant,
Nec ceptus unquam cedat ex animis furor;
Sed Arma felix teneat, infelix pareat;
Nihil relinquent bella. Tum vastis Ager
Squalebit arvis: subditâ tectis face
Altius sepultas obruet gentes cinis.*

if

*If eternal hatreds shall alwayes drive men on,
Nor fury once began shall ever depart from mens minds;
But the Conqueror shall hold up his weapons, and the conquered
give place;
Warres will at last leave nothing: Then the unplowed ground
in vast
Fields shall lie wast, the fire being put to houses
Deep ashes shall overwhelme the buried Nations.*

And lastly, *Leunclavius*, in his relation of the Seige of Vienna; *Tempus itaque est, viri Christiani! ubicunque terrarum Christo vivitis; Tempus, inquam, est, nos à Somno excitari; hanc irati ob nostra scelera numinis plagam agnoscere, unanimiter ad Deum converti, rescipiscere; Omisso vane gloriæ studio, odium mutuum ponere; monstrosas de fide Catholicâ dissensiones, & nunquam finiendas disputationes abjicere; in unum Catholicæ Ecclesiæ Sacrosanctum Corpus coalescere; & in amore proximi ac bonis operibus simul totis viribus in Christo, qui caput est, unanimes vivere; orareque ut nobis gratiam suam concedere dignetur, quâ Armati immanem hostem à cervicibus nostris propulsemus; ac deinde, oppressis hostibus, quieti in pace, pietæque sanctæque vivere queamus.* (i.e.) *It is time therefore, O ye Christian men! in whatsoever part of the World ye live to Christ; It is time, I say, for us to awake out of sleep; to acknowledge this stroke of the Angry God, by reason of our sinnes, unanimously to be converted to God, to repent, leaving the study of vain glory, to lay aside our mutual hatred; to cast away our monstrous dissensions concerning the Catholick Faith, and those disputations never to be ended; to unite into one Sacred body of the Church of Christ, and to live unanimously in the love of our Neighbour, and in good works, together with all our strength in Christ, who is our Head; and to pray that he would vouchsafe to grant to us his grace, with which being armed we may drive away the Cruel Enemy from our necks; and so our Adversaries being overcome, we may be able to live quiet, in peace, piously, and holily. What shall we say then? Let the Peace of the Jerusalem of Christ be the study of every sincere Christian! Let these things which we have written in this work (with our Pen dipt in Sweat for the more publick and common good) be imprinted in the hearts of those that read them! Especially those of them that make most to the Christian peace, and to the preservation and promotion of the welfare both of Religion and Government, and the Consistency of each with either in every national Society. May the Christian Princes prosper, and flourish in their Dominions! May Piety and Adoration of the Son of God spring up as it were from the ground amongst private persons! May the Christian Church have her Faith propagated! and her Borders enlarged by the illumination*

Math. 16. 18.
Apud. Euseb.
De vita Const.
lib. 1. cap. 22.

tion of the *Most High*, under the Tuition of Princes, by the endeavours of her Priests, and with the consent of Nations. And let *the Gates of Hell* (according to the Promise of him, who appear'd from Heaven with his Victorious Crosse to the first Christian Emperour *Constantine*) never prevaile against her.

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The Intelligent Reader is intreated to Correct the ERRATA committed in the absence of the Author.

